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CANADA
HOUSE OF COMMONS

27th Parliament, 2d Session
1967-68

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Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

An Act to amend the Canadian Citizenship Act.

First reading, May 11, 1967.

Mr. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26237

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-2.

An Act to amend the Canadian Citizenship Act.

R.S., 33; 1952-53, c. 23; 1953-54, c. 34; 1956, c. 6; 1958, c. 24; 1966-67, c. 25; s. 42.

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

1. Subsections (1) and (1*a*) of section 5 of the *Canadian Citizenship Act* are repealed and the following substituted therefor:

Born after December 31st, 1946.

"**5.** (1) A person born after the 31st day of December, 1946, is a natural-born Canadian citizen,

(*a*) if he is born in Canada or on a Canadian ship; or

(*b*) if he is born outside of Canada elsewhere than on a Canadian ship, and his father, or in the case of a child born out of wedlock, his mother, at the time of that person's birth, is a Canadian citizen, and

(i) at the time of his birth, his father, or in the case of a child born out of wedlock, his mother, was enlisted and serving outside of Canada in the armed forces of Canada, or was serving outside of Canada in the public service of Canada or of a province thereof, or was serving outside of Canada as a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or of an international agency of an official character in which Canada participates, or

(ii) the fact of his birth is registered, in accordance with the regulations, within two years after its occurrence or within such extended period as the Minister may authorize in special cases.

Explanatory Notes.

Section 1. At the present time, a child, born outside of Canada, of a member of Canada's armed forces, of a member of the diplomatic or other public service, or of a representative or employee of a Canadian firm or organization, serving or engaged outside of Canada, will lose his Canadian citizenship unless

(*a*) the birth is registered at a Canadian office abroad within two years; and

(*b*) between the ages of 21 and 24, he files a declaration of retention of Canadian citizenship.

With the large number of Canadians now serving or engaged outside of Canada, many children born out of Canada are likely to lose Canadian citizenship unwittingly. To place the children of Canadian citizens who are serving their country abroad in a different category from the children of Canadians serving or engaged at home is discriminatory and a genuine hardship both to parents and children.

This section would preserve without any registration or declaration the status of natural-born citizen to any child born outside of Canada to a Canadian citizen, who was enlisted in the armed forces or was a public servant serving or engaged outside of Canada or was employed outside of Canada by a firm or organization whose principal office was in Canada or of an international agency in which Canada participates.

Conditions for retention by persons born outside Canada.

(1*a*) A person who is a Canadian citizen under subparagraph (ii) of paragraph (*b*) of subsection (1) ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years, unless he

(*a*) has his place of domicile in Canada at such date; or

(*b*) has, before such date and after attaining the age of twenty-one years, filed, in accordance with the regulations, a declaration of retention of Canadian Citizenship."

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

New application allowed.

"**14.** An applicant whose application has been rejected by the Court or by the Minister may make another application under section 10 after the expiration of a period of two years from the date of such rejection or of such shorter period as the Minister may authorize in special cases."

Repeal.

3. Section 18 of the said Act is repealed.

Repeal.

4. Subsection 1 of section 19 of the said Act is repealed and subsections (2) to (6) inclusive are renumbered as subsections (1) to (5) inclusive.

Section 2. At the present time, once an application has been rejected, a new application cannot be filed for two years. This amendment would enable the Minister, in special cases, to shorten the period within which a new application might be considered.

Sections 3 and 4. The repeal of section 18 and of section 19(1) would give full equality of status to all citizens, whether natural-born or not natural-born. Hereafter, a Canadian citizen who is not natural-born, could only lose his Canadian citizenship for a cause for which a natural-born citizen would also lose his citizenship. At the present time, there is a serious discrimination between the status of natural-born citizens and citizens not natural-born, which the repeal of this section would remove.

C-3.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

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

First reading, May 11, 1967.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26575

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-3.

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

1960, c. 39.

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

Repeal.

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

Premature publication of results of straw vote forbidden.

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

Definition of "broadcast."

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

Explanatory Note.

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

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

C-4.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act concerning reform of the bail system.

First reading, May 11, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26431

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-4.

An Act concerning reform of the bail system.

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 *Bail Reform Act.*

Release in cases prior to trial.

2. Notwithstanding anything in the *Criminal Code* or any other Act or statute of the Parliament of Canada, any person charged with an offence under an Act of the Parliament of Canada, other than an offence punishable by death or imprisonment for life, shall, at his appearance in court, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the court, unless the judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required.

Conditions of release.

3. (1) When a judge makes such a determination, he shall, either in lieu of or in addition to the methods of release referred to in section 2, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or, if no single condition gives that assurance, any of the combination of the following conditions:

(*a*) place the person in the custody of a designated person or organization agreeing to supervise him;

(*b*) place restrictions on the travel, association, or place of abode of the person during the period of release;

Explanatory Notes.

The purpose of this Bill is to assure that all persons, regardless of their financial status, shall not needlessly be detained pending their appearance to answer charges under Acts of the Parliament of Canada, when detention serves neither the ends of justice nor the public interest.

This measure will permit poor people awaiting trial to be released without bond and will thus eliminate the arbitrary cruelty in the present bail system.

The no-bail release system established by this Bill is limited to instances where the offense is not punishable by death or life imprisonment and in which the judge deems the defendant trustworthy.

The Bill will also assure that persons convicted of crimes and infractions will receive credit for time spent in custody prior to trial against service of any sentence imposed by the court.

(*c*) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 per centum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release;

(*d*) require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof; or

(*e*) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

Circumstances surrounding the case.

(2) In determining which conditions of release will reasonably assure appearance, the judge shall take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

Credit for time in custody.

4. Any time spent in custody at the prison, penitentiary, reformatory or jail previous to the pronouncing of the sentence shall be credited to any person convicted of an offence.

C-5.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

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

First reading, May 11, 1967.

Mr. BROWN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26503

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-5.

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

1960, c. 39. 1963, c. 40, ss. 14 to 20; 1966-67, c. 25, s. 45.

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

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

Qualification of electors.

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

Subsection repealed.

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

Schedule One forms amended.

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

Schedule Two and forms amended.

3. (1) Subparagraph (1) of paragraph 21, subparagraph (*a*) of paragraph 22, subparagraphs (1) and (2) of paragraph 36 of *The Canadian Forces Voting Rules* in SCHEDULE TWO to the said Act and paragraph *5 of Form No. 7 to the said SCHEDULE and paragraph 6 of Form No. 8 to the said SCHEDULE are amended by striking out the words "twenty-one years" wherever the said words appear therein and by substituting therefor in each case the words "eighteen years"; and the said subparagraph (1) of paragraph 36 is further amended by striking out the words "(except in the case referred to in

Explanatory Notes.

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

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

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

subparagraph (2) of paragraph 21)" and the said Form No. 7 is further amended by striking out, at the end of the said Form, the words "Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules.*

Subparagraph repealed.

(2) Subparagraph (2) of paragraph 21 of the said Schedule is repealed.

C-6.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

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

First reading, May 11, 1967.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26603

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-6.

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

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

Short title.

1. This Act may be cited as the *Canada Divorce Act*.

Application.

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

Courts having jurisdiction.

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

Domicile.

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

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

Explanatory Notes.

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

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

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

Clause 3: These provincial courts apply the Act.

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

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

5. In this Act,
"petition" includes a cross-petition;
"petitioner" includes a cross-petitioner;
"proceedings" includes cross-proceedings; and
"respondent" includes a petitioner against whom there is a cross-petition.

Grounds for dissolution of marriage.

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

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

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

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

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

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

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

(i) been a habitual drunkard; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

When leave required.

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

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

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

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

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

Grounds for annulment of marriage.

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

Void marriage.

(2) A marriage is void where

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

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

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

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

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

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

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

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

Voidable marriage.

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

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

(i) the incapacity is not curable, or

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

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

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

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

(*b*) either party to the marriage is
  (i) of unsound mind;
  (ii) a mental defective;
  (iii) subject to recurrent attacks of insanity or epilepsy; or
(*c*) either party to the marriage is suffering from a venereal disease in a communicable form; or
(*d*) the wife is pregnant by a person other than the husband; except that a decree of nullity of marriage shall not be made by virtue of paragraph (*b*), (*c*), or (*d*) unless the court is satisfied that
  (i) the petitioner was, at the time of the marriage, ignorant of the facts constituting the ground;
  (ii) the petition was filed not later than twelve months after the date of the marriage; and
  (iii) marital intercourse has not taken place with the consent of the petitioner since the petitioner discovered the existence of the facts constituting the ground.

Reconciliation.

9. (1) It is the duty of the court in which a matrimonial cause has been instituted to give consideration, from time to time, to the possibility of a reconciliation of the parties to the marriage (unless the proceedings are of such a nature that it would not be appropriate to do so), and if at any time it appears to the Judge constituting the court, either from the nature of the case, the evidence in the proceedings, or the attitude of those parties, or of either of them, or of counsel, that there is a reasonable possibility of such a reconciliation, the Judge may do all or any of the following:

(*a*) adjourn the proceedings to afford those parties an opportunity of becoming reconciled or to enable anything to be done in accordance with either of the next two succeeding paragraphs;
(*b*) with the consent of those parties, interview them in chambers, with or without counsel, as the Judge thinks proper, with a view to effecting a reconciliation;
(*c*) nominate
  (i) an approved marriage guidance or other appropriate organization or a person with experience or training in marriage conciliation; or
  (ii) in special circumstances, some other suitable person,

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

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

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

Hearing when reconciliation fails.

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

Statements not admissible evidence.

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

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

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

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

Commencement.

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

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

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

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

An Act respecting the Observance of Leifr Eiriksson Day.

First reading, May 11, 1967.

Mr. STEFANSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26419

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-7.

An Act respecting the Observance of Leifr Eiriksson Day.

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

1. This Act may be cited as the *Leifr Eiriksson Day Act.*

2. Throughout Canada in each year, the first Monday in the Month of August is to be known and observed as Leifr Eiriksson Day.

Explanatory Note.

The purpose of this Bill is to commemorate the fact that Leifr Eiriksson was the first European to land on what is now Canadian soil.

C-8.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to amend the Canada Labour (Standards) Code (Three Weeks Annual Vacation after Three Years).

First reading, May 11, 1967.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26399

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-8.

An Act to amend the Canada Labour (Standards) Code (Three Weeks Annual Vacation after Three Years).

1964-65, c.38; 1966-67, c. 59.

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

1. Paragraph (*a*) of section 15 of the *Canada Labour (Standards) Code* is repealed and the following substituted therefor:

"Vacation pay."

"(*a*) "vacation pay" means four per cent of the wages of an employee during the year of employment in respect of which he is entitled to the vacation, provided however that in the case of an employee who has had three years of continuous employment by one employer "vacation pay" means six per cent of the wages of the employee during the year in respect of which he is entitled to his vacation;"

2. Subsection (1) of section 16 of the said Act is repealed and the following substituted therefor:

Annual vacation with pay.

"**16.** (1) Except as otherwise provided by or under this Part, every employee is entitled to and shall be granted a vacation with vacation pay of at least two weeks after every completed year of employment, provided however that every employee who has had three years of continuous employment by one employer is entitled to and shall be granted a vacation with vacation pay of at least three weeks."

Coming into force.

3. This Act shall come into force on the first day of January, 1967.

Explanatory Notes.

Paragraph (*a*) of section 15 at present reads as follows:

"(*a*) "vacation pay" means four per cent of the wages of an employee during the year of employment in respect of which he is entitled to the vacation;"

Subsection (1) of section 16 at present reads as follows:

"**16.** (1) Except as otherwise provided by or under this Part, every employee is entitled to and shall be granted a vacation with vacation pay of at least two weeks after every completed year of employment."

The purpose of this Bill is to improve the annual vacation provisions of the *Canada Labour (Standards) Code* by providing three weeks annual vacation with pay after three years of employment with the same employer.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

An Act to govern, license and regulate the operation of Rainmaking Equipment in Canada.

First reading, May 11, 1967.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26583

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-9.

An Act to govern, license and regulate the operation of Rainmaking Equipment 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.

1. This Act may be cited as the *Rainmaking Act.*

Prohibition except under licence.

2. No person shall own, establish, install, operate or have in his possession any rainmaking equipment at any place in Canada, or in Canadian territorial waters or airspace, except under and in accordance with a licence granted in his discretion by the Minister of Transport.

Search warrant.

3. (1) Where a magistrate or justice of the peace is satisfied by information on oath that there is reasonable ground for believing that rainmaking equipment has been established, installed, or is being operated, or is in possession of any person in any place in Canada or in Canadian territorial waters or airspace within his jurisdiction without a licence in that behalf, he may grant a search warrant to any police officer or any officer appointed in that behalf by the Minister and named in the warrant.

Authority to enter, inspect and seize.

(2) A warrant so granted authorizes the officer named therein to enter and inspect such place and seize any rainmaking equipment that is there established, installed, or found in operation or in possession of any person.

Penalty for violation of Act.

4. (1) Any person who owns, establishes, installs, operates or has in his possession any rainmaking equipment in violation of the provisions of this Act is liable, on summary conviction, to a fine not exceeding one thousand dollars and, on conviction on indictment, to a fine not exceeding ten

Explanatory Note.

Following the advent of rainmaking equipment and its commercial use which may infringe on the rights of others; it appears that control licensing and regulations must be adapted to protect the public and make possible the payment of compensation where damage is deemed to result from such use.

thousand dollars and to imprisonment for a term not exceeding twelve months; and in the case of any conviction under this section the rainmaking equipment and any movable property used therewith, to which the offence relates, may be forfeited to Her Majesty by order of the Minister for such disposition as the Minister may direct.

Presumption.

(2) Whenever any person is charged with an offence against section 2, if he is proved to be the owner, tenant or the person in control of the premises, place, automobile or other vehicle, vessel or aircraft where any rainmaking equipment is found, there shall be a presumption that he owns or did establish, install, operate or have the said equipment in his possession.

Ministerial regulations.

5. (1) The Minister may make regulations

(*a*) prescribing the tariff or fees to be paid for licences;

(*b*) prescribing the form and manner in which applications for licences are to be made;

(*c*) classifying and prescribing the type of rainmaking equipment that may be licensed;

(*d*) defining the different kinds of licences that may be issued, their respective forms and the several periods for which they shall continue in force;

(*e*) prescribing the conditions and restrictions, financial and otherwise, to which the several licences shall respectively be subject;

(*f*) for the inspection of rainmaking equipment, and

(*g*) for the effective carrying out of the provisions of this Act.

Penalty.

(2) Any person who violates any regulation made under this section is liable upon summary conviction to a penalty not exceeding five hundred dollars and costs or to imprisonment for a term not exceeding six months.

Fines to be paid to Receiver General.

6. All fines imposed by this Act or the regulations belong to Her Majesty in right of Canada and they shall be paid to the Receiver General of Canada.

Limitation of action.

7. In the case of any offence against any of the provisions of this Act or any regulation, the complaint shall be made, or the information shall be laid, within one year from the time when the matter of complaint or information arose and not otherwise.

Application to rain-making equipment owned or operated on behalf of Her Majesty in the right of a province.

Taxation.

8. Notwithstanding anything in the *Interpretation Act* or any other statute or law, the provisions of this Act shall be deemed to apply and to have full force and effect, according to their terms, in the case of all rainmaking equipment owned, established, installed, operated, or had in possession by or on behalf of Her Majesty in the right of any province, but nothing herein contained is intended to impose or to declare the imposition of any tax upon, or to make, render, or declare liable to taxation, any property belonging to Her Majesty in the right of any province.

C-10.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act concerning the Exportation of the Growth and Produce of Canada.

First reading, May 11, 1967.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26599

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-10.

An Act concerning the Exportation of the Growth and Produce of Canada.

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

Export of Primary Products.

Licences required.

1. Except as provided in the regulations, no person shall export from Canada any primary product except under the authority of and in accordance with a licence issued under this Act.

Issue of Licences.

Issue of licences.

2. (1) Subject to the regulations, the Tariff Board may issue licences, upon such terms and conditions as are prescribed by the regulations, for the exportation of primary products.

Restrictions.

(2) A licence may be restricted or limited as to area, quantity or time or as to class or kind of product.

Considerations applicable to issue of licences.

3. Upon application for a licence the Tariff Board shall have regard to all considerations that appear to it to be relevant and, without limiting the generality of the foregoing, the Tariff Board shall satisfy itself that

(*a*) the quantity of the primary product to be exported does not exceed the surplus remaining after due allowance has been made for the reasonably foreseeable requirements for use in Canada having regard to the development of production and consumption in Canada;

(*b*) the price to be charged by an applicant for a primary product exported by him is just and reasonable in relation to the public interest; and

(*c*) upon the balance of convenience and necessity, the exportation is in the public interest.

Explanatory Note.

The purpose of this Bill is to limit, license and regulate the exportation of basic and primary resources. No license will be granted until the authority has ascertained that the national interest of Canada now and in the foreseeable future can best be served by such export permit.

No primary product can be exported until every effort is expended to insure the growth of its secondary manufacturing potential in Canada.

Revocation and suspension of licences.

4. (1) Subject to subsection (2) and the regulations, the Tariff Board may by order revoke or suspend a licence if, in the opinion of the Board, the person to whom it was issued has violated or failed to comply with any term or condition thereof.

Notice and hearing.

(2) No order shall be made under this section unless notice has been given to the holder of the licence who is alleged to have violated or failed to comply with any term or condition thereof and an opportunity has been afforded to him of being heard.

Economic Council to assist Board.

5. The Economic Council of Canada shall on its own initiative, or if directed to do so by the Tariff Board, conduct such studies, inquiries and other undertakings as may be necessary to aid and assist the Tariff Board to carry out its duties under this Act, and shall report to, advise or make recommendations to the Board with respect thereto, as the circumstances require.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

An Act to amend the Criminal Code
(Fine print clauses).

First reading, May 11, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26371

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966, c. 23, c. 25, s. 45.

THE HOUSE OF COMMONS OF CANADA.

BILL C-11.

An Act to amend the Criminal Code (Fine print clauses).

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

1. The *Criminal Code* is amended by inserting immediately after section 328 the following section:

Fine print clauses.

"**328A.** (1) Everyone who, with intent to mislead, prints or causes to print in small typographical character in the body of an insurance policy, contract, deed or other document issued by him or under his authority, clauses concerning payment exclusions or exclusion of responsibility is guilty of an indictable offence and liable to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding three months or to both fine and imprisonment.

Penalty.

"Small typographical character", defined.

(2) In this section, the expression "small typographical character" means a typographical character that is substantially smaller than the one used in the body of the printed matter of the document."

Explanatory Notes.

The object of this Bill is to eliminate the practice whereby insurance companies, commercial corporations and individuals embody in insurance policies, contracts or deeds, fine print clauses excluding their liability under certain circumstances.

It is desirable that payment exclusions or exclusion of responsibility be listed plain and clear in the body of insurance policies, contracts and deeds.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

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

First reading, May 11, 1967.

Mr. REID.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26102

Second Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-12.

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

1960, c. 39.

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

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

Qualification of electors.

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

Subsection repealed.

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

Schedule One forms amended.

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

Schedule Two and forms amended.

3. (1) Subparagraph (1) of paragraph 21, subparagraph (*a*) of paragraph 22, subparagraphs (1) and (2) of paragraph 36 of *The Canadian Forces Voting Rules* in SCHEDULE TWO to the said Act and paragraph *5 of Form No. 7 to the said SCHEDULE and paragraph 6 of Form No. 8 to the said SCHEDULE are amended by striking out the words "twenty-one years" wherever the said words appear therein and by substituting therefor in each case the words "eighteen years"; and the said subparagraph (1) of paragraph 36 is further amended by striking out the words "(except in the case referred to in

Explanatory Notes.

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

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

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

subparagraph (2) of paragraph 21)" and the said Form No. 7 is further amended by striking out, at the end of the said Form, the words "Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules*."

Subparagraph repealed.

(2) Subparagraph (2) of paragraph 21 of the said Schedule is repealed.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act to amend the Criminal Code.

First reading, May 11, 1967.

Mr. PRITTIE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26511

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-13.

An Act to amend the Criminal Code.

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, cc. 37, 45, 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 35; c. 53; 1966-67, c. 23, c. 25, s. 45.

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

1. Paragraph (*c*) of subsection (2) of section 150 of the *Criminal Code* is repealed and the following substituted therefor:

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

Explanatory Notes.

Section 150(2)(c) presently reads:

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

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

The words in italic are deleted in the Bill.

This section of the Criminal Code makes it an offence to supply any information on the subject of birth control or family planning in Canada. Such information is in fact supplied by many physicians, nurses, pharmacists, clergymen, social workers and family planning association consultants. A number of national associations including the Canadian Medical Association, the Canadian Bar Association, the Ontario Association of Children's Aid Societies, the National Y.W.C.A., the National Council of Women, the Voice of Women, the Society of Obstetricians and Gynecologists of Canada, the National Council of Jewish Women, most of the religious denominations, and many other national and local organizations have asked that this section be amended as it relates to birth control.

The present amendment refers to conception only and does not deal with abortion or miscarriage.

Section 33(1) of the *Juvenile Delinquents Act* (Chapter 160, RSC 1952) has been invoked to prosecute and convict a merchant who sold contraceptives to juveniles.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

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

First reading, May 11, 1967.

Mr. MacDonald (*Prince*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26098

Second Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-14.

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

1960, c. 39.

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

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

Qualification of electors.

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

Subsection repealed.

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

Schedule One forms amended.

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

Schedule Two and forms amended.

3. (1) Subparagraph (1) of paragraph 21, subparagraph (*a*) of paragraph 22, subparagraphs (1) and (2) of paragraph 36 of *The Canadian Forces Voting Rules* in SCHEDULE TWO to the said Act and paragraph *5 of Form No. 7 to the said SCHEDULE and paragraph 6 of Form No. 8 to the said SCHEDULE are amended by striking out the words "twenty-one years" wherever the said words appear therein and by substituting therefor in each case the words "eighteen years"; and the said subparagraph (1) of paragraph 36 is further amended by striking out the words "(except in the case referred to in

Explanatory Notes.

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

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

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

subparagraph (2) of paragraph 21)" and the said Form No. 7 is further amended by striking out, at the end of the said Form, the words "Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules*."

Subparagraph repealed.

(2) Subparagraph (2) of paragraph 21 of the said Schedule is repealed.

C-15.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Inquiries Act.

First reading, May 11, 1967.

Mr. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26335

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-15.

An Act to amend the Inquiries Act.

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

R.S., c. 154.

1. Section 11 of the *Inquiries Act* is re-numbered section 11A and the following section is added to the said Act as section 11.

Appointment of a judge as commissioner.

"**11.** A judge shall not be appointed a commissioner, whether under Part I or Part II, unless the Governor in Council be expressly authorized in the particular case so to appoint by resolution of the House of Commons."

Explanatory Notes.

This Bill is designed to prevent a judge from being appointed as commissioner under the *Inquiries Act* without the express authority of a resolution of the House of Commons. The acceptance of extra-judicial duties is detrimental to the independence of the judiciary and likely to involve judges in public and even political controversy.

Provision for appointment of a judge as a commissioner with the express authority of a resolution of the House of Commons would enable the use of a judge in a very exceptional case where the House was satisfied that no damage to the judiciary could result.

The bill is a companion bill to bills to amend the *Supreme Court Act* and to amend the *Judges Act*.

C-16.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-16.

An Act to amend the Judges Act.

First reading, May 11, 1967.

Mr. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26331

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

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; 1962, c. 22; 1963, c. 8; 1964-65, cc. 14, 36; 1966-67, cc. 8, 68, 76.

BILL C-16.

An Act to amend the Judges Act.

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 38 of the *Judges Act* is repealed and the following substituted therefor:

Not to act as commissioner, etc.

"**38.** (1) No judge shall act as commissioner, arbitrator, adjudicator, referee, conciliator or referee on any commission or on any inquiry or other proceeding unless

Exceptions.

(*a*) in the case of any matter within the legislative authority of Parliament, the judge is by an Act of the Parliament of Canada or by a resolution of the House of Commons expressly authorized so to act; or

Idem.

(*b*) in the case of any matter within the legislative authority of the legislature of a province, the judge is by an Act of the legislature of the province or by a resolution of such legislature expressly authorized so to act."

Explanatory Note.

The purpose of this bill is to prevent judges from accepting extra-judicial duties, except pursuant to express legislative authority of Parliament or resolution of the House of Commons or of the legislature of a province.

The bill is a companion bill to bills to amend the *Supreme Court Act* and to amend the *Inquiries Act*.

C-17.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

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

First reading, May 11, 1967.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26479

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-17.

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

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

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

1. Section 7 of the *Post Office Act* is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Use of mails for hate literature deemed an offence.

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

Exception for judicial purposes.

Explanatory Notes.

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

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

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

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

(*a*) is, by means of the mails,

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

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

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

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

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

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

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

C-18.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

An Act to amend the Criminal Code
(Wire Tapping, etc.).

First reading, May 11, 1967.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26471

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-18.

1953-54, c. 51; 1955, cc. 2. 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, c. 41; 1960, c. 37; 1960-61, cc. 21, 42. 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10, cc. 35. 53; 1966-67, c. 23, c. 25, s. 45.

An Act to amend the Criminal Code (Wire Tapping, etc.).

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

1. The *Criminal Code* is amended by inserting therein immediately after section 384, the following section:

Intercepting, etc., telephone or telegraph communication.

"**384A.** (1) Everyone, not being a sender or receiver of a telephone or telegraph communication, who wilfully, and by means of instrument, intercepts, overhears or records a telephone or telegraph communication is guilty of

(*a*) an indictable offence, and is liable to imprisonment for two years, or

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

(2) This section shall not apply to any person acting pursuant to an Order granted pursuant to section 429A or to any person acting in the course of their normal employment as an employee or officer of a telephone or telegraph company."

2. The said Act is amended by inserting therein immediately after section 429, the following sections:

Judge may issue Order.

"**429A.** A judge of a superior court of criminal jurisdiction who is satisfied by information upon oath, either in Form 1A or upon examination under oath of a peace officer and any other witnesses he may produce that there is reasonable grounds to believe that evidence of an indictable offence punishable by imprisonment of ten years or more, may be obtained by the interception, overhearing or recording of telegraphic or telephonic communications, may at any time issue an Order under his hand authorizing a person or persons named therein

Explanatory Note.

The purpose of this Bill is to revise the old common law offence of eavesdropping. At the present time the only penalty for wire tapping is to be found in the various provincial Telephone Acts wherein the penalties range from a maximum of six months imprisonment (Manitoba) to a maximum of one month (Ontario). In some of the other provincial Telephone Acts there are no provisions for dealing with this type of conduct.

for the interception, overhearing or recording of telegraphic or telephonic communications, and the said Order shall identify a particular telephone number or telegraph line and the person or persons whose communications are to be intercepted, overheard or recorded, and the purpose of such interceptions or recordings, and the said Order shall be effective for the time specified therein, but not for a period of more than one month unless extended or renewed by the judge who signed and issued the original Order, upon satisfying himself that such extension or renewal is in the public interest.

Disclosing Information.

429B. Everyone, except in any trial, who wilfully discloses to any person other than the telephone or telegraph company whose facilities are involved, or to the Attorney General or his agents, or the person making application for an Order pursuant to section 429A, any information concerning the application for the granting or denial of an Order pursuant to section 429A, or the identity of the person or p rsons whose communications, conversations or discussions are the subject of an Order granted pursuant to section 429A shall be guilty of an offence punishable on summary conviction."

Form.

3. The said Act is amended by inserting therein, immediately after Form 1, the following Form:

"FORM 1A

INFORMATION

CANADA

PROVINCE OF

This is the informant of A B of

The informant says that (describe telephone number or telegraph line and person or persons whose communications are to be intercepted, overheard, or recorded, and the purpose of such interception or recording) and that he has reasonable grounds for believing that evidence of the offence of (describe offence) may be obtained by such interception (here add the grounds of belief ,whatever they may be).

WHEREFORE the informant prays that an Order may be granted to (here describe persons or person to be granted order) to intercept, overhear and record (here describe the telephone number or telephone line and persons

or person whose communications are to be intercepted, overheard and recorded) for a period of days, commencing on the day of and ending on the day of .

SWORN BEFORE ME
this day of

.....
(Signature of Informant)

A Justice of the Peace in and for "

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act respecting the right of privacy.

First reading, May 11, 1967.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26551

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-19.

An Act respecting the right of privacy.

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 "*Right of Privacy Act of 1967*".

INTERPRETATION.

Definitions.

2. In this Act,

"Eavesdropping."

(*a*) "eavesdropping" means surreptitiously listening to, monitoring, transmitting, amplifying or recording a private conversation;

"Interception."

(*b*) "interception" means the act of acquiring all or any part of any wire communication from the facility transmitting the communication through use of any electronic, mechanical, or other device;

"Wire communication."

(*c*) "wire communication" means any communication made in whole or in part by aid of wire, cable, or other connection of the same nature.

WIRETAPPING.

Wire interception.

3. (1) Except as otherwise specifically provided by this Act, it shall be unlawful for any person to

(*a*) wilfully intercept or attempt to intercept or procure any other person to intercept or attempt to intercept any wire communication without the consent of at least one sender or receiver of such communication; or

Explanatory Notes.

Mr. Justice Brandeis has referred to the right of privacy as being the right most valued by civilized men. Several outstanding jurists in Canada share the same opinion.

It is advisable to protect that right adequately and to stop the various forms of invasion of privacy.

The purpose of this Bill is to provide that wiretapping and eavesdropping are prohibited except in the case of the administration of justice and the security of the State.

(*b*) wilfully disclose or attempt to disclose, or use or attempt to use, any information, knowing or having reason to know that such information was obtained in violation of paragraph (*a*) of this subsection.

Penalty.

(2) Every one who fails to comply with the provisions of subsection (1) of this section is guilty of an indictable offence or an offence punishable on summary conviction and is liable to a fine of five hundred dollars or to a term of imprisonment of three months or to both fine and imprisonment.

EAVESDROPPING.

Eavesdropping.

4. (1) Except as otherwise specifically provided by this Act, it shall be unlawful for any person to

(*a*) wilfully use or attempt to use any electronic, mechanical or other device for the purpose of eavesdropping without the consent of at least one party to a conversation; or

(*b*) to wilfully disclose or attempt to disclose or to use, or attempt to use any information, knowing or having reason to know that such information was obtained in violation of paragraph (*a*) of this subsection.

Penalty.

(2) Every one who fails to comply with the provisions of subsection (1) of this section is guilty of an indictable offence or an offence punishable on summary conviction and is liable to a fine of five hundred dollars or to a term of imprisonment of three months or to both fine and imprisonment.

EXCEPTIONS.

Switchboard.

5. It shall not be unlawful under this Act for an operator of a switchboard, or an officer, agent, or employee of any communications common carrier, whose facilities are used in the transmission of a wire communication to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident of the rendition of service.

National security.

6. Sections 3 and 4 of this Act shall not apply where a person is duly authorized in writing by a judge of a Superior Court of criminal jurisdiction to conduct a search or investigation, at the request of the Minister of Justice of Canada, in cases affecting the national security of Canada.

Administration of justice.

7. Sections 3 and 4 of this Act shall not apply in the case of a peace officer or other person acting in the course of his duties and duly authorized in writing by a Justice of the Peace or a Magistrate to conduct a search or investigation for the purpose of the administration of justice, at the request of the Attorney General of the province concerned.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

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

First reading, May 11, 1967.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26595

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-20.

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

R.S., 233; 1952-53, c. 48; 1953-54, c. 31; 1955, c. 57.

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

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

"Broadcasting."

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

Explanatory Note.

This Bill is complementary to a Bill intituled "An Act to amend the Broadcasting Act (Community Antenna)". It amends the definition of "broadcasting" as that definition is proposed to be amended in the Broadcasting Act Bill.

C-21.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

An Act to amend the Criminal Code (Impaired Driving).

First reading, May 11, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26447

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-21.

1953-54, c. 51; 1955, cc. 2, 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, cc. 37, 45; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10, cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

An Act to amend the Criminal Code (Impaired Driving).

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

1. Section 222 of the *Criminal Code* is repealed and the following substituted therefor:

Driving while ability to drive is impaired.

"**222.** (1) Every one who, while his ability to drive a motor vehicle is impaired by alcohol or a drug, drives a motor vehicle, is guilty of an offence punishable on summary conviction and is liable

(*a*) for a first offence, to a fine of not more than five hundred dollars or to imprisonment for three months or to both,

(*b*) for a second offence, to imprisonment for not more than three months, and

(*c*) for each subsequent offence, to imprisonment for not more than one year,

and in any of these cases, his licence to drive may be suspended for a period not exceeding three years.

Evidence that ability to drive is impaired.

(2) A level of .08% or .8 parts per thousand of alcohol in venous blood of a person is conclusive evidence that the ability of the said person to drive is impaired."

2. Section 223 of the said Act is repealed and the following substituted therefor:

Analysis to be admitted as evidence.

"**223.** (1) In any proceeding under section 222 the result of a chemical analysis of a sample of the breath of a person shall be admitted in evidence of the issue whether the ability of the said person to drive was impaired by alcohol.

Explanatory Notes.

The purpose of this amendment to the *Criminal Code* is to amend the actual legislation in relation to the offence of driving while intoxicated and the offence known as impaired driving; and also to recognize the breathalizer test, carried out by properly trained technicians, as an accurate method of determining blood alcohol levels.

In the present legislation two offences are provided for: intoxication and impaired driving. Both are degrees of the same thing. Those expressions are not defined and most of the time the prosecutions are made under the charge of impaired driving.

It is suggested to retain only the offence of impaired driving.

Few people will admit that their ability to drive has been impaired. There must be a new concept unrelated to ability to drive or the confidence of the driver in such ability. This new concept is that a blood alcohol level of more than .08% in venous blood constitutes evidence that the ability of the person to drive is impaired.

The purpose of the suggested amendments is to make the test compulsory.

The compulsory blood test would constitute an unwarranted and unjustified trespass of the person. The compulsory urine test is considered by the authorities in the field to be too unreliable to form the basis of a conviction. The breath test proves to be quite adequate pursuant to modern techniques.

It is suggested that the accused be offered a sample of the breath which is to be tested by the prosecution, and, be afforded the opportunity to cross-examine everyone who takes part in the taking of the sample.

Sample may be required.

(2) Where a law enforcement officer has reasonable and probable grounds for believing that a person has committed an offence provided for in section 222, he may require the said person to give a sample of breath.

Determination of blood alcohol level.

(3) For the purposes of section 222, the blood alcohol level shall be determined by analysis of breath only.

Qualified technician to conduct analysis.

(4) The analysis of the breath on behalf of the prosecution shall be conducted by a duly qualified technician, and the accused shall be offered a sample of the material to be tested to determine the level.

Cross-examination.

(5) The accused must be afforded the opportunity to cross-examine everyone who takes part in the taking of the sample and analysis of it including the person who is responsible for the maintenance of the equipment used in the analysis.

Refusal to give a sample of breath.

(6) Evidence that a person refused to give a sample of breath shall not be admissible in any proceeding under section 222 and shall not be the subject of comment by any person in any such proceeding, but such a refusal shall be admissible in support of a charge of refusing to give the sample of breath."

3. Section 224 of the said Act is repealed and the following substituted therefor:

Penalty for refusal.

"**224.** Everyone who refuses without cause to give a sample of breath when required to do so by any law enforcement officer who has reasonable and probable grounds for believing that such person has committed an offence provided for in section 222, is guilty of an offence punishable on summary conviction and is liable

(*a*) for a first offence, to a fine of not more than five hundred dollars or to imprisonment for three months or to both,

(*b*) for a second offence, to imprisonment for not more than three months, and

(*c*) for each subsequent offence, to imprisonment for not more than one year,

and in any of these cases, his licence to drive may be suspended for a period not exceeding three years."

This offence of impaired driving should be confined to actual driving and should not include having the care and control of a motor vehicle in such circumstances.

The penalty for the modified offence of impaired driving should be not more than the maximum for a first offence of the actual offence of impaired driving without the minimum prescribed therefor; the court ought to be at liberty to make an order prohibiting the accused from driving a motor vehicle for any period not exceeding three years.

The offence should be punishable on summary conviction only.

Concurrent with the enactment of this new impaired driving offence, the amendment does provide for a compulsory test, and the refusal to provide such sample when required by a law enforcement officer shall constitute an offence. It is suggested that the penalty for this additional offence should be the same as for impaired driving as any lesser penalty would in the circumstances be an inducement to refuse.

To protect the individual, the law enforcement officer who requires that a sample of breath be provided must have reasonable and probable grounds for believing that the accused has committed an offence and the refusal to provide the sample must be without cause.

It is suggested that the refusal to take a test or give a sample is not admissible in impaired driving proceedings and evidence of such refusal should be admissible only in support of a charge of refusing to give the sample.

C-22.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

An Act to amend the Senate and House of Commons Act (St. Luke 11;46).

First reading, May 11, 1967.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26563

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-22.

An Act to amend the Senate and House of Commons Act (St. Luke 11;46).

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

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

1. Section 22 of the *Senate and House of Commons Act* is amended by inserting therein, immediately after subsection (1) thereof, the following subsection:

Members not to act as barristers or solicitors with respect to certain matters.

"(1a) No member of the Senate or of the House of Commons who is admitted as a barrister or enrolled as a solicitor under the laws of a province shall directly or indirectly accept any fee or benefit for acting in his professional capacity in respect of any matter, wheresoever originating, that is or is intended to be a private or public proceeding in the Senate or House of Commons or in committee of either House or that is, under an Act of Parliament, within the discretion of a Minister of the Crown or the Governor-in-Council to determine, without the express sanction and authority of, and in accordance with rules prescribed by, the Speaker of that House of which he is a member."

Explanatory Notes.

This bill proposes to remedy the grievance that arises when the public relationship between member of Parliament and citizen is subverted to the private relationship between lawyer and client to the financial hurt of the citizen: as when, for example, the citizen asks his member to make inquiries of the Ministry in an immigration matter and is oftentimes dismayed to find that—his member being a lawyer—he is billed for fees on a solicitor-client basis.

This grievance is an ancient one and the remedy proposed is to revive and modernize an order of the United Kingdom that is 300 years old.

Parliament has delegated to the Executive the power to grant or refuse in its discretion many matters that once were entrusted to the House of Lords to investigate, hear, and grant or refuse. They were classed as "personal" petitions: the Commons delegated the airing and adjudication of these private grievances to the Upper Chamber by making no rules whereby the petitions could be initiated in the Commons.

The Commons, on account of the conflict of interest activities of its lawyer-members in intermeddling as lawyers on these private petitions, successively passed the following orders which placed the activities of these lawyer-members within the control of the Commons:

"1666, 6 Nov. Ordered,

That such Members of this House, as are of the Long-Robe, shall not be of Council on either Side, in any Bill, depending in the Lords House, before such Bill shall come down from the Lords to this House.

"1669, 10 Nov. Resolved, That no Member of this House, of the Long-Robe, do, during this Session of Parliament, plead as Council before the House of Lords, in any Cause, without leave asked and granted by this House, after ten o'clock.

"1693, 7 Dec. Ordered, That no Member of this House do presume to plead at the Bar of the House of Lords, without leave first obtained from this House, and to be moved for between the Hours of eleven and one o'clock.

"1695, 10 Dec. Revived."

The penalty proposed on this bill is already contained in section 22(2) of the Act, as follows:

"(2) Every member of the Senate offending against this section is liable to a fine of not less than one thousand dollars and not more than four thousand dollars; and every member of the House of Commons offending against this section is liable to a fine of not less than five hundred dollars and not more than two thousand dollars, and shall for five years after conviction of such offence, be disqualified from being a member of the House of Commons, and from holding any office in the public service of Canada."

C-23.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

An Act to amend the Weights and Measures Act (Truth in Packaging).

First reading, May 11, 1967.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26363

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-23.

An Act to amend the Weights and Measures Act (Truth in Packaging).

R.S., c. 292; 1959, c. 38.

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

1. Paragraph (*p*) of subsection (1) of section 35 of the *Weights and Measures Act* and the word "and" immediately preceding the said paragraph are repealed and the following substituted therefor:

"(*p*) the weight, measure, quantity or count, or the fraction or multiple thereof, of the contents of the wrapper or container of any pre-packaged goods;

(*q*) the establishment and definition of

(i) the standard size designation, other than a statement of the net quantity of contents, that shall be used to designate quantitatively the contents of any pre-packaged goods,

(ii) the net quantity of the contents of any pre-packaged goods, in terms of weight, measure or count, that shall constitute a serving and shall be used where the goods are in a wrapper or container, or have a ticket, card or label displayed or associated therewith, that bears a representation as to the number of servings provided by the net quantity of the contents of the wrapper or container,

Explanatory Notes.

The purpose of this Bill is to ensure that a retail purchaser of goods, packaged in a wrapper or container, be fairly informed of the weight or measure of the contents; and to control competitive trade practices that, by suggestion and suppression, debase the public standards of weights and measures—a modern variant of the medieval practice of coin-clipping. Just as that practice was controlled by milling the edge of the coin so it is hoped that the regulatory powers in this Bill may curb the artful dodges of the package-clipper.

It is possible that the government presently has a general power under the *Weights and Measures Act*, section 35(1), to remedy the grievance mentioned. That section, in part, provides:

> "The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations respecting....."

A relevant particular power, similar in principle to those in this Bill, is contained in paragraph (*n*) of that subsection:

> "(*n*) the marking of wrappers or containers of pre-packaged goods sold by weight or measure, or on tickets, cards or labels displayed or associated therewith, to indicate the contents of the wrapper or container;"

In the proposed amendment, paragraph (*p*) is repealed only for the drafting reason that it should be the last power listed. It is restored as paragraph (*s*) of the amendment. The new powers in paragraphs (*p*), (*q*) and (*r*) are specifically directed to different aspects of the problem to be cured.

(iii) the standard quantitative designation of the contents of any pre-packaged goods that shall be used when the net quantity of the contents cannot meaningly be designated in terms of weight, measure or count,

(iv) the minimum standard that shall be used as to the location and prominence of any statement of the net quantity of the contents, including a minimum standard as to the type size and face in which such statement shall be made, appearing upon the wrapper or container of any pre-packaged goods or upon any ticket, card or label displayed or associated therewith;

(*r*) the prohibition of

(i) the addition of any word or phrase to a wrapper or container of any pre-packaged goods or to any ticket, card or label displayed or associated therewith, that tends to qualify the statement of weight, measure, size or other quantity that is required to be upon such wrapper, container, ticket, card or label,

(ii) the use of a wrapper or container of pre-packaged goods in a size, shape or dimensional proportion, or having pictorial or other matter thereon, that may tend to deceive retail purchasers as to the net weight, measure, or other quantity of the contents thereof; and

(*s*) the exemption of any pre-packaged goods from the operation of any provision of this Act."

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

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

First reading, May 11, 1967.

Mr. Howe (*Hamilton South*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26415

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-24.

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

R.S., c. 197.

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

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

Oath of allegiance.

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

Form of oath.

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

Affirmation of allegiance.

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

Form of affirmation

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

Explanatory Notes.

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

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

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

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

Substitution of Sovereign for the time being.

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

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

Validity of oath not affected by absence of religious belief.

"**5.** (1) Where, prior to the 1st day of January 1967 or thereafter, an oath has been duly administered and taken, the fact that the person to whom the oath was administered had, at the time of taking the oath, no religious belief, shall not for any purpose affect the validity of such oath.

Prior affirmations validated.

(2) Where, prior to the 1st day of January 1967, an affirmation of allegiance has been made instead of an oath of allegiance taken, that fact shall not for any purpose affect the validity of such affirmation which shall be of the same force and effect as if the person who made his affirmation had taken the oath."

Coming into force.

3. This Act shall come into force on the 1st day of July, 1968.

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

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

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

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

Clause 3: The proposed amendments would not become effective until the 1st day of July 1966 to allow for the revision and reprinting of forms.

References:

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

C-25.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to Control Air Pollution.

First reading, May 11, 1967.

Mr. HAIDASZ.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26631

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-25.

An Act to Control Air Pollution.

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 *Air Pollution Control Act.*

Definitions.

2. In this Act,

"Minister."

(*a*) "Minister" means the Minister of National Health and Welfare;

"Department."

(*b*) "Department" means the Department of National Health and Welfare;

"Air pollution."

(*c*) "air pollution" means the detectable presence in the outdoor atmosphere of any air contaminant or contaminants in amounts that may cause damage or discomfort to the health of persons, or may cause damage to animal life, or that may produce injury to vegetation, or that may damage physical property, or that may interfere with visibility or the normal conduct of transportation, occupation or business;

"Air contaminant."

(*d*) "air contaminant" means a solid, liquid, gas, odour or any combination of any of them in the outdoor atmosphere that contributes to air pollution;

"Motor vehicle."

(*e*) "motor vehicle" means any self-propelled vehicle for transportation;

"Ambient air quality."

(*f*) "ambient air quality" means the quality of our atmosphere expressed as the concentration of specific air contaminants which relates to human, animal or plant life.

Explanatory Notes.

Air pollution is today one of the most vital and urgent problems confronting Canada. Pollutants in the air are causing injury to people, animals, vegetation and property. The progressive complexity of air pollution brought about by increasing urbanization, industrialization and fuel-driven vehicles call for intensified national leadership and efforts to ensure clean air, a most precious national resource. Within the limits of federal jurisdiction, this bill provides for action to assist provincial, regional, municipal and private agencies to abate air pollution.

Duty of Minister.

3. It shall be the duty of the Minister to consider the expediency of:

(*a*) encouraging co-operative activities of municipal, provincial, interprovincial, federal, and international governments for the investigation, prevention, and abatement of Air Pollution;

(*b*) initiating and conducting appropriate research across Canada in the field of air pollution, and, in particular undertaking studies in air quality, weather conditions and monitoring programs in order to determine ambient air quality national guides and criteria of the known air pollutants;

(*c*) controling air pollution

(i) from vessels in Canadian waters by effective investigation and enforcement of the provisions in the *Canada Shipping Act*

(ii) from interprovincial railway operations

(iii) from radioactivity;

(iv) pesticides;

(v) federal buildings, equipment and vehicles;

(*d*) encouraging regular federal-provincial meetings and seminars to set air quality standards;

(*e*) establishing a special federal Air Pollution Control Division with adequate central and regional personnel and laboratory facilities in the Department of National Health and Welfare to collect data and information on air pollution, to determine criteria and guides helpful in setting ambient air quality standards in accordance with the principles of the World Health Organization's report on air pollution;

(*f*) encouraging air pollution research by universities and other recognized agencies;

(*g*) setting a federal anti-air pollution policy which would include the establishment of a National Anti-Air Pollution Agency to co-ordinate a program providing guides and criteria upon which ambient air quality standards can be based;

(*h*) co-operating with the National Anti-Air Pollution Agency;

(*i*) establishing a National Anti-Air Pollution Advisory Council to assist the National Anti-Air Pollution Agency;

(*j*) convening annually a national anti-air pollution conference in Canada to review and revise criteria as necessary so that they accurately reflect up-to-date scientific knowledge;

(*k*) strengthening the International Joint Commission to investigate appropriate aspects of air pollution across international boundaries.

4. The Governor in Council may make regulations,

(*a*) requiring motor vehicles or engines to have installed thereon or incorporated therein one or more devices to prevent or lessen the emission into the outdoor atmosphere any air contaminant or contaminants, prescribing the specifications and standards of any such device;

(*b*) classifying motor vehicles and engines for the purpose of any regulations and exempting any class or type of motor vehicle or engine from any regulation;

(*c*) classifying the quality of equipment and fuels for use in industrial processes, steam and electric generation, and heating.

Coming into force.

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

C-26.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

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

First reading, May 11, 1967.

Mr. SCHREYER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26094

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-26.

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

1960, c. 39.

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

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

Qualification of electors.

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

Subsection repealed.

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

Schedule One forms amended.

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

Schedule Two and forms amended.

3. (1) Subparagraph (1) of paragraph 21, subparagraph (*a*) of paragraph 22, subparagraphs (1) and (2) of paragraph 36 of *The Canadian Forces Voting Rules* in SCHEDULE TWO to the said Act and paragraph *5 of Form No. 7 to the said SCHEDULE and paragraph 6 of Form No. 8 to the said SCHEDULE are amended by striking out the words "twenty-one years" wherever the said words appear therein and by substituting therefor in each case the words "eighteen years"; and the said subparagraph (1) of paragraph 36 is further amended by striking out the words "(except in the case referred to in

Explanatory Notes.

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

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

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

subparagraph (2) of paragraph 21)" and the said Form No. 7 is further amended by striking out, at the end of the said Form, the words "Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules.*"

Subparagraph repealed.

(2) Subparagraph (2) of paragraph 21 of the said Schedule is repealed.

C-27.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

An Act to amend the Combines Investigation Act (Floor Penalties, Criminal Joint Tortfeasors, and Moieties).

First reading, May 11, 1967.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26463

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-27.

An Act to amend the Combines Investigation Act (Floor Penalties, Criminal Joint Tortfeasors, and Moieties).

R.S., c. 314; 1953-54, c. 51, s. 750; 1959, c. 40; 1960, c. 45; 1960-61, c. 42; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 35. 1966-67, c. 23, c. 25, ss. 38, 45

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

1. Subsection (3) of section 31 of the *Combines Investigation Act* is repealed and the following substituted therefor:

Punishment for disobedience.

"(3) A court may punish any person who contravenes or fails to comply with a prohibition or direction made or given by it under this section by a fine in the discretion of the court, or by imprisonment for a term not exceeding two years, and shall punish a person who so disobeys such a prohibition or direction a second time by imprisonment for a term not less than one year and, upon the third or subsequent such disobedience, by imprisonment for a term not less than two years."

2. Subsection (1) of section 32 of the said Act is repealed and the following substituted therefor:

Conspiracy.

"(1) Every one who conspires, combines, agrees or arranges with another person

(*a*) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article,

(*b*) to prevent, limit or lessen, unduly, the manufacture or production of an article, or to enhance unreasonably the price thereof,

Explanatory Notes.

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

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

(*c*) to prevent, or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of an article, or in the price of insurance upon persons or property, or

(*d*) to restrain or injure trade or commerce in relation to any article,

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

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

Mergers and monopolies.

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

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

Illegal trade practices.

"(1) Every one engaged in a business who

(*a*) is a party or privy to, or assists in, any sale that discriminates to his knowledge, directly or indirectly, against competitors of a purchaser of articles from him in that any discount, rebate, allowance, price concession or other advantage is granted to the purchaser over and above any discount, rebate, allowance, price concession or other advantage that, at the time the articles are sold to such purchaser, is available to such competitors in respect of a sale of articles of like quality and quantity;

(*b*) engages in a policy of selling articles in any area of Canada at prices lower than those exacted by him elsewhere in Canada, having the effect or tendency of substantially lessening competition or eliminating a competitor in such part of Canada, or designed to have such effect; or

(*c*) engaged in a policy of selling articles at prices unreasonably low, having the effect or tendency of substantially lessening competition or eliminating a competitor, or designed to have such effect,

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

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

Grant of allowance prohibited except on proportionate terms.

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

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

Penalty.

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

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

Civil rights not affected.

Additional penalty in double amount of any civil damages.

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

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

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

Crown or injured party enforces.

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

Time limitation.

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

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

Personal liability of corporation's officers and agents.

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

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

C-28.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

An Act to amend the Criminal Code
(Capital Punishment, Form of Sentence).

First reading, May 11, 1967.

Mr. COWAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26695

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-28.

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, 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, cc. 22, 35, 53; 1966-67, c. 23, c. 25, s. 45.

An Act to amend the Criminal Code (Capital Punishment, Form of Sentence).

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:—

Form of sentence.

"**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."

Coming into force.

2. This Act shall not have effect in any province unless and until it is adopted and enacted as law by the Legislature thereof.

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.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

An Act respecting Sir John A. Macdonald Day.

First reading, May 11, 1967.

Mr. MACQUARRIE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26339

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-29.

An Act respecting Sir John A. Macdonald Day.

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

Short title.

1. This Act may be cited as the *Sir John A. Macdonald Day Act.*

Sir John A. Macdonald Day.

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

Explanatory Note.

In 1967 Canadians will be celebrating throughout Canada the birth of their nation. As Sir John A. Macdonald was the first Prime Minister of Canada it seems proper and desirable that his memory should be honored by the observance of a holiday under the name of Sir John A. Macdonald Day.

C-30.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act to amend the Immigration Act.

First reading, May 11, 1967.

Mr. BADANAI.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26539

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-30.

An Act to amend the Immigration Act.

R.S., c. 325.

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

1. Subparagraph (ii) of paragraph (*a*) of section 5 of the *Immigration Act* is repealed and the following substituted therefor:

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

Explanatory Note.

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

C-31.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act to amend the Immigration Act (Mental Retardation).

First reading, May 11, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26379

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-31.

An Act to amend the Immigration Act (Mental Retardation).

R.S., c. 325.

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

1. Paragraph (s) of section 5 of the *Immigration Act* is repealed and the following substituted therefor:

Persons medically certified as impaired.

"(s) persons, not included in any other prohibited class, who are certified by a medical officer as being mentally or physically abnormal to such a degree as to impair seriously their ability to earn a living, unless, where such persons are abnormal by reason of mental retardation,

(i) they have sufficient means of support or such profession, trade, occupation, employment or other legitimate mode of earning a living that they are not likely to become public charges, or

(ii) they are members of a family accompanying them or already in Canada and the family gives satisfactory security against such immigrants becoming public charges; and"

Explanatory Notes.

The purpose of this bill is to provide that a person afflicted with mental retardation may be admitted to Canada under the *Immigration Act* if he is not likely to become a public charge. In other words—the absolute prohibition against such a person is relaxed to the degree applicable to persons who are "dumb, blind or otherwise physically defective".

C-32.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

An Act to restrain the use of Tobacco.

First reading, May 11, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26439

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-32.

An Act to restrain the use of Tobacco.

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

SHORT TITLE.

Short title.

1. This Act may be cited as the *Tobacco Restraint Act.*

PART I.

USE OF TOBACCO BY YOUNG PERSONS.

Penalty on furnishing tobacco to young persons.

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

Forfeiture of tobacco

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

Explanatory Notes.

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

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

> ". . . . I have this further to say, that legislation upon the subject already appears in the statute-books of the greater number of the provinces. I think there is no legislation on the subject in the province of Quebec or in the province of Manitoba; but in each of the other provinces of the Dominion there is legislation of some nature with regard to this subject . . . . . There is, however, since the views expressed by the Judicial Committee of the Privy Council in the case of the Lord's Day legislation in the province of Ontario, room for question whether legislation of this character may not be ultra vires of the provincial legislatures as an encroachment on the domain of criminal law, as well as in the view of the fact that the legislation is in the different provinces of such very diverse character, and that it is applied to different ages, it has been thought better that there should be some legislation of general application to the whole of Canada. . ." *House of Commons Debates*, 1907–8, vol. V, at p. 9022.

Penalty on juvenile smoking, etc.

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

Power to ascertain where tobacco, etc., purchased.

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

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

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

Penalty.

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

Seizure of tobacco, etc., from machines.

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

Exemption as to young persons employed in trade.

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

Meaning of "cigarette."

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

Presumption as to age.

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

Repeal.

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

PART II.

Restraint in use of Tobacco.

Purposes of Part II.

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

Interpretation.

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

Offence.

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

Regulations.

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

(*a*) respecting the labelling and packaging and the selling, distributing, offering, exposing, promoting and advertising of tobacco;

(*b*) in order to ensure compliance with this Part and the regulations, respecting the importation of tobacco;

(*c*) respecting the testing and analysing of tobacco;

(*d*) requiring the importer, manufacturer, distributor, wholesaler, or retailer of tobacco to submit samples of any lot for testing or analysis;

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

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

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

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

(*e*) respecting the taking of samples and the seizure, detention, forfeiture and disposition of any tobacco;

(*f*) exempting any tobacco from all or any of the provisions of this Part or the regulations and prescribing the conditions of such exemption; and

(*g*) prescribing forms for the purposes of this Part and the regulations.

Penalties.

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

(*a*) on summary conviction for a first offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and for a subsequent offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment; and

(*b*) on conviction upon indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

Time-limit.

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

Venue.

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

Want of knowledge.

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

(*a*) he purchased the tobacco from another person in packaged form and sold it in the same package and in the same condition the tobacco was in at the time he purchased it, and

(*b*) that he could not with reasonable diligence have ascertained that the sale of the tobacco would be in contravention of this Part, or the regulations,

the accused shall be acquitted.

Notice.

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

Exports.

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

Coming into force.

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

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

C-33.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

An Act to amend the Criminal Code (Preventive Detention).

First reading, May 11, 1967.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26455

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-33.

An Act to amend the Criminal Code (Preventive Detention).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53. 1966-67, c. 23, c. 25, s. 45.

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

Repeal.

1. Section 660 of the *Criminal Code* is repealed.

2. Subsection (1) of section 662 is repealed and the following substituted therefor:

Notice of application.

"**662.** (1) The following provisions apply with respect to applications under this Part, namely, an application under subsection (1) of section 661 shall not be heard unless seven clear days' notice thereof has been given to the accused by the prosecutor either before or after conviction or sentence but within three months after the passing of sentence and before the sentence has expired, and a copy of the notice has been filed with the clerk of the court or with the magistrate, where the magistrate is acting under Part XVI."

Explanatory Notes.

The purpose of this Bill is to delete a section of the *Criminal Code* which has led to a certain amount of abuse and misuse throughout Canada in that it is applied in ways never contemplated when it was enacted at the Session of 1960–61.

The finding that a person is an habitual criminal is not really a conviction for any offence since the proceeding is not a prosecution but an inquiry.

Section 660 at present reads as follows:

"660 (1) When an accused has been convicted of an indictable offence the court may, upon application, impose a sentence of preventive detention in lieu of any other sentence that might be imposed for the offence of which he was convicted or that was imposed for such offence, or in addition to any sentence that was imposed for such offence if the sentence has expired, if"

2. The amendment to subsection (1) of section 662 is consequential.

Subsection (1) of section 662 at present reads as follows

"662. (1) The following provisions apply with respect to applications under this Part, namely,

(*a*) an application under subsection (1) of section 660 shall not be heard unless

(i) the Attorney General of the province in which the accused is to be tried consents,

(ii) seven clear days' notice has been given to the accused by the prosecutor, either before or after conviction or sentence but within three months after the passing of sentence and before the sentence has expired, specifying the previous convictions and the other circumstances, if any, upon which it is intended to found the application, and

(iii) a copy of the notice has been filed with the clerk of the court or the magistrate, as the case may be; and

(*b*) an application under subsection (1) of section 661 shall not be heard unless seven clear days' notice thereof has been given to the accused by the prosecutor either before or after conviction or sentence but within three months after the passing of sentence and before the sentence has expired, and a copy of the notice has been filed with the clerk of the court or with the magistrate, where the magistrate is acting under Part XVI."

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act to amend the British North America Acts, 1867 to 1965, with respect to the Quorum of the House of Commons.

First reading, May 11, 1967.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26367

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-34.

An Act to amend the British North America Acts, 1867 to 1965, with respect to the Quorum of 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:—

1. Section 48 of *The British North America Act, 1867*, chapter three of the Statutes of the United Kingdom of Great Britain and Ireland, 1867, is repealed and the following substituted therefor:

Quorum of the House of Commons.

"**48.** The presence of at least fifty members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a member."

Short title and citation.

2. This Act may be cited as the *British North America Act, 1967*, and the *British North America Acts, 1867 to 1965*, and this Act may be cited together as the *British North America Acts, 1867 to 1967*.

Explanatory Note.

The purpose of this bill is to increase the quorum of the House of Commons from 20 to 50 members.

C-35.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

An Act to provide for the length of Sessions of Parliament.

First reading, May 11, 1967.

Mr. RYAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26587

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-35.

An Act to provide for the length of Sessions of Parliament.

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 Sessions Act.*

Mandatory session.

2. In each year there shall be a session of the Parliament of Canada commencing on the last Thursday of January and terminating prior to the second Thursday of September; in such session the last sitting day of the House of Commons shall be the last Friday of June; there shall be an Easter recess of Parliament to continue not less than five days.

Permissive session.

3. In each year there may be another session of Parliament commencing on the second Thursday of September that, unless sooner terminated, may continue into and terminate on or prior to the last Thursday of January in the next succeeding year; in such session the last sitting day of the House of Commons shall be the second Friday of December or such sooner day as the House of Commons may order.

Prohibition and exception.

4. The House of Commons shall not sit at any time not within the times limited in sections two and three for sitting days of the House except where necessarily consequent upon a dissolution or otherwise as a matter of urgent public importance.

Explanatory Notes.

The purpose of this Bill is to plan the sessions of Parliament and the sittings of the House of Commons in each year in recognition of the fact that Parliament must sit much longer than formerly to deal with the increasingly complex and numerous matters of public business: in recognition of the fact that Ministers of the Crown have departmental duties and all members have constituency duties which must be attended to in the public interest in periods free of Parliamentary duties and attendance: and finally, in recognition of the fact that the public interest is better served when members are assured of a time certain to holiday with their families.

Clauses 2 and 3: Provide for a mandatory session that commences the last Thursday of January and could continue to the second Thursday of September: however, the House of Commons would not sit beyond the last Friday in June. The Senate could continue sitting to finish its business without pressure of having to rush business in order to meet a House of Commons deadline. When the Senate rose, sometime before the second Thursday of September, the session would end. If necessary, there would then be a Fall session but the House would finish sitting on the second Friday of December at the latest. The Senate could continue to sit beyond that time.

Clause 4: This clause provides for an adjustment of the sittings in an election year and also for emergency sittings.

Necessity of extraordinary sittings debatable.

5. Where pursuant to section four, the House of Commons sits as a matter of urgent public importance not consequent upon a dissolution, fifty members thereof may, within five days after the commencement of the sittings, give notice of a motion that such sittings are not a matter of urgent public importance and such motion shall be debated upon a day allotted by the Speaker.

Uncompleted government and private business carried over from session to session.

6. Where in either House of Parliament the business of the government or private business is not completed upon the termination of a session then, for all purposes of completing that business, the session next following, unless following a dissolution, shall be deemed to be a continuation of the preceding session.

House of Commons may delegate its Royal Assent functions to Speaker and officials.

7. Upon any occasion when the House of Commons is not sitting, the Speaker, the Clerk and the Sergeant-at-Arms, when thereunto authorized by the House of Commons, as well severally in their offices, shall jointly stand empowered in the name, place and stead of the House of Commons to treat, do, act and conclude upon those things incidental to and necessary for the signification of Royal Assent to any Bill that, having passed the House of Commons, thereafter passes the Senate of Canada without amendment.

Application.

8. This Act shall first apply to the year 1968.

Clause 5: Provides for a debate in the House on the necessity of emergency sittings. This is designed to be preventive and so discourage the calling of sittings that are not really necessary in the public interest. It is also designed to concentrate opposition criticism to one day rather than have such criticism continued throughout the sittings.

Clause 6: Provides for government business and private business to be carried over from one session to the next as if the two sessions were one continuous session. This provision would continue committees, for example, into the next session until their business was complete.

Clause 7: This clause provides that the Speaker and two officials of the House of Commons may, after the House has stopped sitting, complete the formalities of receiving bills from the Senate that have been passed without amendment and of attending at the Royal Assent.

Clause 8: This Bill comes into force upon Royal Assent but first applies to the year 1968. This allows for a session under the Bill to start in January, 1967, and permits notice of such session to be given in 1968.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act to amend the Small Loans Act.

First reading, May 11, 1967.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26475

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-36.

An Act to amend the Small Loans Act.

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

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

1956, c. 46.

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

Maximum cost.

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

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

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

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

Loans, how repayable.

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

1956, c. 46.

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

Explanatory Notes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum cost.

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

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

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

1956, c. 46.

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

Repayment of loans.

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

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

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

C-37.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to amend the Canada Elections Act
(Political Affiliations of Candidates on Ballot Papers.)

First reading, May 11, 1967.

Mr. PATTERSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26547

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-37.

An Act to amend the Canada Elections Act
(Political Affiliations of Candidates on Ballot Papers.)

1960, c. 39; 1963, c. 40.

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 28 of the *Canada Elections Act* is repealed and the following substituted therefor:

Ballot papers and their form.

"**28.** (1) All ballots shall be of the same description and as nearly alike as possible; the ballot of each elector shall be a printed paper, in this Act called a ballot paper, on which the names, addresses, occupations, political affiliations or interests of the candidates alphabetically arranged in the order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as such names, addresses, and occupations are set out in the heading of the nomination papers; each ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 35.

Written direction of leaders.

The name of the political party or interest represented by a candidate shall be shown in the manner required by the written direction, if any, of the recognized leader of such party, which shall be filed with the Returning Officer before five o'clock in the afternoon of nomination day: Provided that where the recognized leader of the political party or interest represented by a candidate does not file a written direction the name of that party shall be shown in the manner in which it appears on the nomination paper of the candidate."

Proviso.

Explanatory Note.

The purpose of this Bill is to provide for the appearance of the political affiliations or interests of the candidates on the ballot papers.

1. The changes in subsection (1) of section 28 consist in the insertion therein of the words "political affiliations or interests", underlined on the opposite page and in the addition thereto of the new paragraph indicated by a vertical line.

Form amended.

2. The "*Front*" of Form No. 35 is repealed and the following substituted therefor:

"FORM No. 35.

FORM OF BALLOT PAPER. (Sec. 28.)

Front

DOE, WILLIAM R.,
636 POWER ST., OTTAWA,
BARRISTER.
(POLITICAL AFFILIATION.)

DOE, FRANK ARTHUR,
R.R. NO. 3, WESTBORO,
FARMER.
(POLITICAL AFFILIATION.)

DOE, JOSEPH,
EASTVIEW,
GENTLEMAN.
(POLITICAL AFFILIATION.)

DOE, JOHN THOMAS,
239 BANK ST., OTTAWA,
MERCHANT.
(POLITICAL AFFILIATION.)

2. The words "(Political affiliation)" are added to Form No. 35. This amendment is consequential.

C-38.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

An Act to amend the Criminal Code (Cruelty to Animals).

First reading, May 11, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26443

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-38.

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; c. 45, s. 21; 1960-61 cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10; and cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

An Act to amend the Criminal Code (Cruelty to Animals).

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

1. Section 387 of the *Criminal Code* is amended by adding thereto the following:

Additional punishment.

"(3) In addition, the Court may, if it thinks fit, prohibit such person from owning, harbouring, or otherwise possessing any animal, bird, domestic, or otherwise, for a period not exceeding two months upon the first conviction and for a period not exceeding six months upon a second conviction, and for a period not exceeding two years upon any third or subsequent conviction.

Illegal owning, harbouring or possessing of animals.

(4) Everyone who owns, harbours or otherwise possesses any animal or bird, domestic or otherwise, during a period for which he is under prohibition as provided in the preceding subsection is guilty of an offence punishable on summary conviction and is liable to a fine of not less than two hundred and fifty dollars or to imprisonment for not less than three months, or to both."

Punishment.

Explanatory Notes.

The purpose of this bill is to enable a Magistrate who has imposed a sentence upon a person convicted of an offence of cruelty to animals to prohibit also such person from owning, harbouring or otherwise possessing an animal or a bird for a stated period of time as part of the sentence.

At present, Magistrates are limited to fining or jailing any person convicted of cruelty to animals. The vast majority of Magistrates are most reluctant to ever impose a jail sentence for this type of crime.

Section 387 now reads as follows:

"387. (1) Every one commits an offence who

(*a*) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or bird,

(*b*) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed,

(*c*) being the owner or the person having the custody or control of a domestic animal or bird or an animal or bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it,

(*d*) in any manner encourages, aids or assists at the fighting or baiting of animals or birds,

(*e*) wilfully, without reasonable excuse, administers a poisonous or injurious drug or substance to a domestic animal or bird or an animal or bird wild by nature that is kept in captivity or being the owner of such an animal or bird, wilfully permits a poisonous or injurious drug or substance to be administered to it, or

(*f*) promotes, arranges, conducts, assists in, receives money for, or takes part in a meeting, competition, exhibition pastime, practice, display, or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the purpose of being shot when they are liberated, or

(*g*) being the owner, occupier, or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph (*f*).

(2) Every one who commits an offence under subsection (1) is guilty of an offence punishable on summary conviction.

A sentence that would include a prohibition of owning, harbouring or possessing animals for a certain period of time would certainly prevent the repetition of the crime provided for in section 387.

C-39.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

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

First reading, May 11, 1967.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26523

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-39.

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, c. 41; 1960, c. 37. 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10, cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

An Act to amend the Criminal Code (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:

"Trading Stamps."

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

Explanatory Notes.

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

"322. In this Part,

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

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

(i) that may be redeemed

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

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

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

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

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

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

The effect of this Bill, because of the provisions of section 369 of the *Criminal Code*, is to make it an offence to issue trading stamps and similar coupons. Because of the estimate that trading stamps add approximately three to four per cent to the cost of articles and commodities the expectation of the Bill would be a concomitant three to four per cent reduction in prices.

C-40.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

An Act to establish the Office of Parliamentary Commissioner.

First reading, May 11, 1967.

Mr. THOMPSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25877

Second Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-40.

An Act to establish the Office of Parliamentary Commissioner.

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

SHORT TITLE.

Short title.

1. This Act may be cited as the *Parliamentary Commissioner Act.*

PARLIAMENTARY COMMISSIONER.

Appointment, tenure, and removal.

2. There shall be appointed by joint resolution of the Senate and House of Commons an officer called the Parliamentary Commissioner to hold office during good behaviour until he attains the age of sixty-five years but he is removable by a joint resolution of the Senate and House of Commons.

Expenditure.

3. No public monies shall be expended directly or indirectly in performing the duties of Parliamentary Commissioner set forth in this Act.

Resignation or removal.

4. The Parliamentary Commissioner may at any time resign his office by writing addressed to the Speaker of the House of Commons or to the Speaker of the Senate and he may be removed or suspended for cause from his office upon a joint address of the Senate and the House of Commons.

Filling of vacancy.

5. If the Parliamentary Commissioner dies, or retires, or resigns, or is removed from office the vacancy thereby created shall be filled in accordance with the prescriptions of the previous sections if Parliament is in session, and, if not the Governor in Council may appoint a Parliamentary Commissioner to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office for one year subject to his appointment being confirmed at the following session of Parliament.

Money, gifts, etc.

6. The Parliamentary Commissioner may accept money, securities, or other property by gift, bequest, or otherwise, and may, notwithstanding anything in this Act, expend, administer or dispose of any such money, securities or other property (subject to the terms, if any, upon which such money, securities or other property were given), in carrying out the duties of Parliamentary Commissioner under this Act, including the retention by himself of such remuneration as may be reasonable for the performance of his own services under this Act.

Functions and Duties.

Investigation of grievances.

7. (1) It is the function and duty of the Parliamentary Commissioner to investigate the administration, by a power or authority or officer of such power or authority, of any law of Canada whereby any person is aggrieved or, in the opinion of the Parliamentary Commissioner, may be aggrieved.

Who may petition.

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

Refusal to investigate.

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

(*a*) a remedy already exists;

(*b*) it is trivial, frivolous, vexatious or is not made in good faith; or

(*c*) upon a balance of convenience between the private interest of the person aggrieved and the public interest, the Parliamentary Commissioner is of opinion the grievance should not be investigated.

Notice of refusal.

(2) Where the Parliamentary Commissioner decides that he will not investigate or that he will cease to investigate a grievance he shall so inform the petitioner and any other interested person.

Notice of investigation.

9. (1) Before investigating a grievance, the Parliamentary Commissioner shall inform the power or authority or officer of such power or authority administering the law of Canada whereby any person is aggrieved or, in his opinion, may be aggrieved, of his intention to investigate.

Practice where *prima facie* case.

(2) If the Parliamentary Commissioner is satisfied there is *prima facie* evidence that a power or authority or officer of such power or authority so administered a law of Canada as thereby to cause a grievance or so administers such law as thereby may give cause for grievance, he shall so advise the power or authority or officer and shall give it or him an opportunity to be heard.

Breach of duty or misconduct by officer.

(3) If, during or after an investigation, the Parliamentary Commissioner is of opinion there is evidence of a breach of duty or misconduct by an officer of a power or authority, he shall refer the evidence to the power or authority.

Commissioner's power and authority.

10. (1) Subject to this Act and to any rules or orders of Parliament in respect of his office, the Parliamentary Commissioner has power and authority to investigate to the extent and by such means as he deems will best achieve the purpose of this Act.

Inquiries Act.

(2) Without limiting the power and authority of the Parliamentary Commissioner under the preceding subsection, he shall have the powers of a commissioner under the *Inquiries Act*.

Action where grievance adjudged.

11. (1) Where, upon investigation, the Parliamentary Commissioner adjudges that a grievance exists or may exist because a power or authority or officer of such power or authority administered or is administering, as the case may be, a law of Canada

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

(*b*) under mistake of law or of fact, in whole or in part; or

(*c*) wrongly; or

(*d*) contrary to law; or

(*e*) by using a discretionary power for an improper purpose, or on irrelevant grounds, or by taking irrelevant considerations into account, or by failing to give reasons for the use of a discretionary power when reasons should have been given; and

if the Parliamentary Commissioner is of opinion that

(*a*) the grievance should be referred to the power or authority or officer of such power or authority for further consideration; or

(*b*) an omission should be rectified; or
(*c*) a decision should be cancelled or rectified; or
(*d*) a practice by reason of which the grievance arose or may arise should be altered; or
(*e*) a law by reason of which the grievance arose or may arise should be reconsidered; or
(*f*) reasons should be given for the use of a discretionary power; or
(*g*) other steps should be taken as he may advise; then

the Parliamentary Commissioner shall report his adjudgment with his reasons therefor to the power or authority with such recommendations as he may think fit and, where he so recommends, he may request the power or authority to notify him, within a time limited, what the power or authority proposes to do thereon.

Where power or authority fails to remedy.

(2) Where the power or authority, after the lapse of a period deemed reasonable by the Parliamentary Commissioner, does not act upon the Parliamentary Commissioner's recommendations, refuses to act thereon, or acts in a manner unsatisfactory to the Parliamentary Commissioner, he may send a copy of his report and recommendations, with any comment he may wish to add thereto, to the Prime Minister, and may thereafter make such report to Parliament as he thinks fit.

Comments of power or authority.

(3) The Parliamentary Commissioner shall include with any report sent or made under subsection (2) a copy of any comment made by the power or authority upon his adjudgment or recommendations.

Opportunity to be heard.

(4) In any report made by him under this Act, the Parliamentary Commissioner shall not make any finding or comment that is adverse to any person unless he gives that person an opportunity to be heard.

Recommendations: petitioner informed.

12. (1) Where a power or authority does not act to his satisfaction upon his recommendations for the remedy of a grievance, the Parliamentary Commissioner shall inform the petitioner of his recommendations and may add such comment as he wishes.

Findings: petitioner informed.

(2) The Parliamentary Commissioner shall in any case inform the petitioner, in such manner and at such time as he thinks proper, of the result of the investigation.

Annual report.

13. (1) The Parliamentary Commissioner, within a year after the coming into effect of this Act and thereafter in each succeeding calendar year, shall make a report on the proceedings of his office with his recommendations, if any, as to any measures that should be taken to better implement the intent and achieve the purpose of this Act and shall thereupon lay such report before Parliament.

(2) A copy of the report shall be delivered to the Minutes and Journals Office of the Senate and to the Votes and Proceedings Office of the House of Commons respectively; and such copies so delivered on any day during the existence of a Parliament shall be deemed to be for all purposes the laying of the report before Parliament.

(3) Upon receipt of the report, an entry shall that day be made in the respective records of these Offices and, on the day following thereon, the copies of the report shall be deposited in the Library of Parliament.

(4) The Parliamentary Commissioner may submit a report to Parliament at any other time.

GENERAL.

Offenses.

14. Every one who

(*a*) without lawful justification or excuse, wilfully obstructs, hinders, or resists the Parliamentary Commissioner or other person in the exercise of his powers under this Act,

(*b*) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Parliamentary Commissioner or other person under this Act, or

(*c*) wilfully makes any false statement to or misleads or attempts to mislead the Parliamentary Commissioner or other person in the exercise of his powers under this Act,

is guilty of an offense punishable on summary conviction.

Saving of other rights and remedies.

15. This Act shall not abrogate, abridge or infringe or authorize the abrogation, abridgment or infringement of any substantive or procedural right or remedy existing otherwhere or otherwise than in this Act.

Act not to apply to Executive in policy capacity nor to Judicature.

16. This Act does not extend or apply to the Governor General acting by and with the aid and advice of the Queen's Privy Council for Canada nor to the Judicature of Canada.

C-41.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

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

First reading, May 11, 1967.

Mr. SALTSMAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26383

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-41.

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

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

1952-53, c. 19.

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

"PROHIBITED EMPLOYMENT PRACTICES.

Employers not to discriminate.

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

Use of employment agencies that discriminate.

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

Membership in trade unions.

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

Explanatory Notes.

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

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

Discharge, expulsion, etc.

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

Prohibited practices when employing.

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

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

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

Trade union name.

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

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

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

First reading, May 11, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26451

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-42.

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

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

Administrative disclosure.

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

Exceptions.

2. Section 1 does not apply to records or information

(*a*) affecting national security;

(*b*) concerning matters that are exempted by statute from disclosure;

(*c*) concerning trade secrets, and commercial or financial matters of a privileged or confidential nature, obtained from private persons;

(*d*) concerning any matter of private interest to the degree that the right to personal privacy excludes the public interest.

Application to Exchequer Court for final determination.

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

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

Crown bound.

4. This Act binds the Crown.

Explanatory Note.

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

C-43.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

An Act to amend the Criminal Code (Provincial Lotteries).

First reading, May 11, 1967.

Mr. VALADE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26343

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-43.

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; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10, cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

An Act to amend the Criminal Code (Provincial Lotteries).

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

1. Subsection (8) of section 179 of the *Criminal Code* is amended by striking out the word "or" at the end of paragraph "(*c*)" thereof, by adding the word "or" at the end of paragraph "(*d*)" thereof and by adding thereto the following paragraph

"(*e*) a lottery organized and operated by a provincial government to provide financial assistance to hospitals or for other welfare purposes under provincial jurisdiction."

Explanatory Note.

The purpose of this Bill is to amend the *Criminal Code* so as to allow provincial governments, so desiring, to provide financial assistance to hospitals or for other welfare purposes under provincial jurisdiction, by means of lotteries provincially organized and operated.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to amend the British North America Act, 1867 (Abolition of the Senate).

First reading, May 11, 1967.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26391

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-44.

An Act to amend the British North America Act, 1867 (Abolition of the Senate).

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

1. Sections 17 and 18 of the *British North America Act, 1867*, are repealed and the following substituted therefor:

Constitution of Parliament of Canada, 1875, 38-39 Vict., c. 38 (U.K.).

"**17.** There shall be One Parliament for Canada, consisting of the Queen and the House of Commons.

Privileges of Commons.

"**18.** The privileges, immunities, and powers to be held, enjoyed, and exercised by the House of Commons, and by the Members thereof, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof."

Repeal.

2. In the said Act, the heading "The Senate" and sections 21 to 36 which follow the said heading are repealed.

Repeal.

3. Section 39 of the said Act is repealed.

R.S., 1952, c. 304.

4. Paragraph 3 of subsection (1) of section 51 of the said Act is repealed and the following substituted therefor:

Explanatory Notes.

The purpose of this Bill is to implement the principle that legislation should be enacted only by elected representatives responsible to the people. The Senate being a non-elected body, this Bill proposes its abolition.

Sections 21 to 36 under the heading "The Senate", intended to be repealed by clause 2 of this Bill, are the main sections dealing with the constitution of the Senate, that is the number of senators, the representation of the provinces in the Senate, the qualifications of senators, the summons of a senator, the addition of four to eight senators in certain cases, the subsequent reduction to the normal number, the maximum number of senators, the tenure of place in the Senate, resignation and disqualification, the summons of vacancy, questions arising respecting qualifications and vacancies in the Senate, the appointment of the Speaker of the Senate, the quorum and the voting in the Senate.

Amendments to the other sections of the *B.N.A. Act, 1867* are consequential, that is amendments to sections 17, 18, 39, 51, 51A, 59, 73, 74, 91, 99, 128, 139, 146 and 147.

Rules for representation in Commons.

"**3.** Notwithstanding anything in this section, if upon completion of a computation under rules one and two, the number of members to be assigned to a province is less than the number of senators representing the said province on the 31st day of December, 1966, rules one and two shall cease to apply in respect of the said province, and there shall be assigned to the said province a number of members equal to the said number of senators."

1915, 5-6 Geo. V., c. 45 (U.K.).

5. Section 51A of the said Act is repealed and the following substituted therefor:

Constitution of House of Commons.

"**51A.** Notwithstanding anything in this Act a province shall always be entitled to a number of members in the House of Commons not less than the number of senators representing such province on the 31st day of December, 1966."

Tenure of office of Lieutenant-Governors.

6. Section 59 of the said Act is amended by deleting therefrom the words "to the Senate and".

7. Sections 73 and 74 of the said Act are repealed and the following substituted therefor:

Qualifications of Legislative Councillors.

"**73.** Subject to the provisions of the Legislature Act, relating to the Composition of the Legislative Council, of the Province of Quebec, the qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec on the 31st day of December, 1966.

Resignation, disqualification, etc.

"**74.** The Place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutandis*, in which the Place of a Senator would have become vacant on or before the 31st day of December, 1966."

Legislative Authority of Parliament.

8. Section 91 of the said Act is amended by deleting therefrom, in the second line of the said section, the words "Senate and".

Tenure of office of judges.

9. Section 99 of the said Act is amended by deleting therefrom the words "Senate and".

10. Section 128 of the said Act is repealed and the following substituted therefor:

Oath of Allegiance, etc.

"**128.** Every Member of the House of Commons of Canada shall before taking his seat therein take and subscribe before the Governor General or some Person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall before taking his seat therein take and subscribe before the Lieutenant-Governor of the Province or some Person authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Legislative Council of Quebec shall also, before taking his seat therein, take and subscribe before the Governor General, or some Person authorized by him, the Declaration of Qualification contained in the same Schedule."

11. Section 133 of the said Act is repealed and the following substituted therefor:

Use of English and French languages.

"**133.** Either the English or the French language may be used by any Person in the Debates of the House of Commons of Canada and of the Houses of the Legislature of Quebec; and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages."

Repeal.

12. The heading "XI.—Admission of Other Colonies" and sections 146 and 147, immediately following the said heading are repealed.

Fifth Schedule amended.

13. The "Declaration of Qualification" in the Fifth Schedule to the said Act is repealed and the following substituted therefor:

"DECLARATION OF QUALIFICATION.

I, A.B., do declare and testify, That I am by Law duly qualified to be appointed a Member of the Legislative Council and that I am legally or equitably seised as of Freehold for my own Use and Benefit of Lands or Tenements held in Free and Common Socage (or seised or possessed for my own Use and Benefit of Lands or Tenements held in Franc-alleu or in Roture (*as the Case may be*)) in the Province of Quebec of the Value of Four thousand Dollars over and above all Rents,

Dues, Debts, Mortgages, Charges, and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a Title to or become possessed of the said Lands and Tenements or any Part thereof for the Purpose of enabling me to become a Member of the Legislative Council and that my Real and Personal Property are together worth Four thousand Dollars over and above my Debts and Liabilities."

Short title and citation.

14. This Act may be cited as the *British North America Act, 1967*, and the *British North America Acts, 1867 to 1965* and this Act may be cited together as the *British North America Acts, 1867 to 1967*.

Coming into force.

15. This Act shall come into force on the first day of January, 1967.

C-45.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

An Act respecting the National Indian Day.

First reading, May 11, 1967.

Mr. BROWN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26499

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-45.

An Act respecting the National Indian 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 *National Indian Day Act.*

National Indian Day.

2. Throughout Canada, in each and every year, the first Saturday in August shall be kept and observed under the name of the National Indian Day.

Explanatory Notes.

The purpose of this Bill is to designate the first Saturday in August of each year as National Indian Day in recognition of the historical and cultural contribution of the Indian people to the founding and development of Canada.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Criminal Code
(Invasion of privacy).

First reading, May 11, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26359

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-46.

An Act to amend the Criminal Code (Invasion of privacy).

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, cc. 37, 45; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4, 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

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

1. The *Criminal Code* is amended by inserting therein immediately after section 384, the following section:

Invasion of privacy

"**384A.** (1) Unless duly authorized by the person or persons concerned nobody

(*a*) not being the sender or the receiver of a telephone or telegraph communication, shall, by means of an instrument, overhear or record a telephone or telegraph communication;

(*b*) not present during a conversation or discussion shall, by means of instruments, overhear or record such conversation or discussion;

(*c*) shall, by camera or television or other instrument, take or record films or pictures of any person, in any place not being a place to which the public is expressly or impliedly invited;

(*d*) shall exploit or use the name or picture of an individual, or otherwise invade his privacy, for the purpose of commercial promotion.

Penalty.

(2) Everyone who fails to comply with the provisions of subsection (1) is guilty of an indictable offence or an offence punishable on summary conviction and is liable to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding three months or to both fine and imprisonment.

Explanatory Notes.

The purpose of this Bill is to render criminal the invasion of privacy by way of telephone, telegraph, camera, television or film.

All those devices provide a necessary means of communication in our modern society. Very often, however, those means are abusively used.

It is felt that in the interest of all and for the protection and dignity of the individual some limitations should be placed on the use of those devices.

Proviso.

(3) This section shall not apply in the case of a peace officer or other person acting in the course of his duties and duly authorized in writing by a Justice of the Peace or a Magistrate to conduct a search or investigation or in the case of any person who is duly authorized by the Attorney General of the Province concerned to do any act contemplated in this section for the purpose of the administration of justice or in the public interest.

Proviso.

(4) This section does not apply in the case of a person who being on a "party line" accidentally listens to a telephone conversation.

Interpretation.

(5) In this section the expression "person or persons concerned" means in the case of a telephone or telegraph communication, the sender and the receiver of the communication and in the case of a conversation or discussion, a party to such conversation or discussion."

C-47.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

An Act to amend the Criminal Code (Contempt of Court).

First reading, May 11, 1967.

Mr. COWAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26687

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-47.

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, cc. 37, 45; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963 c. 8; 1964-65, cc. 22, 35, 53; 1966-67, c. 23, c. 25, s. 45.

An Act to amend the Criminal Code (Contempt of Court).

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

1. Section 9 of the *Criminal Code* is repealed and the following substituted therefor:

Appeal.

"**9.** (1) Where a court, judge, justice or magistrate summarily convicts a person for a contempt of court committed in the face of the court and imposes no punishment in respect thereof, that person may appeal from the conviction thereof.

Idem.

(2) Where a court, judge, justice or magistrate summarily convicts a person for a contempt of court committed in the face of the court and imposes punishment in respect thereof, that person may appeal

(*a*) from the conviction, or

(*b*) against the punishment imposed.

Idem.

(3) Where a court or judge summarily convicts a person for a contempt of court not committed in the face of the court and imposes no punishment in respect thereof, that person may appeal from the conviction thereof.

Idem.

(4) Where a court or judge summarily convicts a person for a contempt of court not committed in the face of the court and imposes punishment in respect thereof, that person may appeal

(*a*) from the conviction, or

(*b*) against the punishment imposed.

Part XVIII applies.

(5) An appeal under this section lies to the court of appeal of the province in which the proceedings take place, and, for the purposes of this section, the provisions of Part XVIII apply, *mutatis mutandis*."

EXPLANATORY NOTES.

Section 9 at present reads as follows:

"**9.** (1) Where a court, judge, justice or magistrate summarily convicts a person for a contempt of court committed in the face of the court and imposes punishment in respect thereof, that person may appeal against the punishment imposed.

(2) Where a court or judge summarily convicts a person for a contempt of court not committed in the face of the court and punishment is imposed in respect thereof, that person may appeal

(*a*) from the conviction, or

(*b*) against the punishment imposed.

(3) An appeal under this section lies to the court of appeal of the province in which the proceedings take place, and, for the purposes of this section, the provisions of Part XVIII apply, *mutatis mutandis*."

The purpose of this Bill is to provide for a right of appeal from all summary proceedings for contempt of court even if a penalty is not imposed.

As stated in an editorial of the *Globe and Mail* some time ago—

"When a judge calls a newspaper before him on a charge of contempt he constitutes in himself the features of accuser, judge and jury, and unless he assesses a penalty his decision cannot be reviewed by another court. To a paper of integrity a penalty is the least injurious part of such a proceeding; it is the damage to a hard-won reputation which hurts.

Judges must have the right to deal summarily with contempt, or they could not preserve order in the courts or ensure the rights of accused persons to fair trials. But from these summary proceedings there should in all cases be the right to appeal, or Canadians cannot be certain that there will be justice."

Speaking on the subject of contempt of court, the honourable George Drew, then Leader of the Opposition, had this to say in the House on June 3, 1954: (page 5471 of *Hansard*, 1953–54)

"We have no appeal procedure in this country which brings cases before the courts in the way they are brought before the courts of appeal in Britain."

Later on, after the *Criminal Code* bill had been amended by the Senate, he added on the 15th June, 1954: (as found at pages 5974–5)

"Perhaps it is only when we come to discuss a subject of this kind that we find to our surprise that there are still mediaeval survivals of law that we have inherited. The British system of law that was adopted in this country from the long-established practice, and incorporated in the *Criminal Code* for the whole of Canada, has carried forward not only the provisions of the code itself, but certain other long-established practices. It is necessary to go back a very long way to find the root of this extremely important question of contempt of court."

C-48.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to provide for Consumer Protection throughout Canada.

First reading, May 11, 1967.

Mrs. MacInnis (*Vancouver-Kingsway*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26395

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-48.

An Act to provide for Consumer Protection throughout 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 *Consumer Protection Act*.

DEPARTMENT OF CONSUMER AFFAIRS AND OF THE REGISTRAR GENERAL.

1966, c. 25.

2. The *Government Organization Act, 1966* is amended by substituting for the words "the Department of the Registrar General", "the Registrar General" and "the Deputy Registrar" the words "the Department of Consumer Affairs and of the Registrar General", "the Minister of Consumer Affairs and Registrar General" and "the Deputy Minister of Consumer Affairs and Deputy Registrar" respectively, wherever those words are found in the said Act.

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

Duties of the Minister of Consumer Affairs and Registrar General.

"**8.** The duties, powers and functions of the Minister of Consumer Affairs and Registrar General of Canada extend to and include all matters over which the Parliament of Canada has jurisdiction not

EXPLANATORY NOTES.

The intention of this Bill is to create a Department of Consumer Affairs for the protection of consumers throughout Canada. The duties, powers and functions of the Minister of Consumer Affairs would extend to and include certain matters enumerated in the Bill, over which the Parliament of Canada has jurisdiction by virtue of the following classes of subjects enumerated in section 91 of the *British North America Act, 1867*, namely: the regulations of Trade and Commerce, Weights and Measures and the Criminal Law.

Clause 3: Section 8 of the *Government Organization Act, 1966*, at present reads as follows:

"8. The duties, powers and functions of the Registrar General of Canada extend to and include all matters over which the Parliament of Canada has jurisdiction not by law assigned to any other department, branch or agency of the Government of Canada, relating to

(*a*) combines, mergers, monopolies and restraint of trade;

(*b*) patents, copyrights and trade marks;

(*c*) bankruptcy and insolvency; and

(*d*) corporate affairs."

by law assigned to any other department, branch or agency of the Government of Canada, relating to

(*a*) consumer protection;

(*b*) combines, mergers, monopolies and restraint of trade;

(*c*) patents, copyrights and trade marks;

(*d*) bankruptcy and insolvency; and

(*e*) corporate affairs."

Regulations.

4. The Governor in Council may make regulations and provide penalties for carrying out the purposes and provisions of this Act into effect, more especially consumer protection and, without restricting the generality of the foregoing, may make regulations

(*a*) to abolish trading stamps and 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 as a premium to the purchaser thereof that may be redeemed;

(*b*) to abolish the use of "cents-off" claims which offer no real value to the consumer and which do not relate to an established price;

(*c*) to eliminate the addition in packages of toys, towels and other gimmicks in packages;

(*d*) to abolish the practice of using packages unnecessarily larger than the contents require;

(*e*) to eliminate such size designations as "jumbo", "giant" and "family", substituting instead "small", "medium" and "large" subject to the establishment of standards to be fixed by the Department;

(*f*) to require net weight to be printed in ounces if the amount is under four pounds;

(*g*) to require a manufacturer claiming a certain amount of servings to designate the quantity of each serving in weight or measure; and

(*h*) to instruct industry to set up standard weights and measures in which product lines may be sold.

The words "consumer protection" underlined on the opposite page are new and would add to the functions of the Minister in charge of the Department the protection of consumers throughout Canada.

Clause 4: This section without limiting the general powers of the Minister, enumerates certain specific matters to be dealt with for the protection of consumers.

(*a*) The purpose of this paragraph is to eliminate the practice whereby supermarkets issue stamps redeemable in merchandise other than foodstuffs thus adding unduly to their cost;

(*b*) the designation of "cents-off" should relate to an established price and not be used to hide an actual rise in the price of the product when computed on a per-ounce basis;

(*c*) this paragraph is self-explanatory;

(*d*) this is a packaging provision that hits at the core of a great number of consumer complaints;

(*e*) in connection with this paragraph provision should be made in the Department for the establishment of standards so that "large" will not mean "small" and so that one manufacturer's "large" cannot be, for instance, "king size";

(*f*) this paragraph is self-explanatory;

(*g*) for example, a package labeling proclaiming "six servings" should also state its measure for a serving such as one cup or half a cup, or give the weight of each serving;

(*h*) for example, instant coffee might be sold in three or four standard sizes instead of the dozens now available.

C-49.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

An Act to amend the National Capital Act.

First reading, May 11, 1967.

Mr. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25869

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-49.

An Act to amend the National Capital Act.

1958, c. 37.

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

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

Other Committees.

"(3) The Commission shall appoint a Greenbelt Advisory Committee and may appoint a National Capital Planning Committee and such other committees as it considers necessary or desirable for the administration of this act.

Constitution of the Greenbelt Advisory Committee.

(3a) The Greenbelt Advisory Committee shall consist of not fewer than five nor more than twelve persons, of whom a majority shall be persons experienced in farm or forestry management with special knowledge of local conditions and circumstances in the National Capital Region.

Powers of the Greenbelt Advisory Committee.

(3b) The Greenbelt Advisory Committee shall advise the Commission in respect of all matters relating to the acquisition of lands for a Greenbelt in the National Capital Region and the administration, maintenance, development or disposal of such lands, and shall exercise such of the powers and functions of the Commission in respect thereto as are delegated to it by the Commission and shall submit at each meeting of the Commission minutes of its proceedings since the last preceding meeting of the Commission."

Explanatory Notes.

Pursuant to subsection (3) of section 9 of the National Capital Act, the Commission may appoint a National Capital Planning Committee and such other committees as it considers necessary or desirable for the administration of the Act.

The purpose of this bill is to direct that the Commission shall amongst those committees appoint a Greenbelt Advisory Committee.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act to amend the British North America Acts, 1867 to 1965, (Duration of House of Commons).

First reading, May 11, 1967.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26579

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-50.

An Act to amend the British North America Acts, 1867 to 1965, (Duration of House of Commons).

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

1. Section 50 of the *British North America Act, 1867* is repealed and the following substituted therefor:

Duration of House of Commons.

"**50.** (1) Every House of Commons shall continue for four years from the day of the return of the writs for choosing the House (subject to be sooner dissolved by the Governor General but only upon a resolution therefor of the House decided by not less than two-thirds of the voices other than that of the Speaker), and no longer than five years."

(2) A request by a member for leave to move for dissolution shall be deemed by Mr. Speaker to be in order and a definite matter of urgent public importance if the request is supported by at least one hundred voices."

Short title and citation.

2. This Act may be cited as the *British North America Act, 1967*, and the *British North America Acts, 1867 to 1965*, and this Act may be cited together as the *British North America Acts, 1867 to 1967*.

Explanatory Notes.

The principle of this Bill is that a House of Commons, when elected, should devote itself to the nation's business without fear of electoral interruption—save in a public emergency— for a minimal period of four years: to the end that the members may deliberate and vote according to conscience in the public good and not as party hucksters hustling for re-election *ad captandum vulgus*. The proposed amendment contains provision for dissolution of Parliament within the four-year period when two-thirds of the House believe that a dissolution is a public necessity. This Bill seeks to curb the infiltration of party "campaign" extremism into the House of Commons and to help provide for a working House where none are for the Party and all are for the State.

> "I have already intimated to you, the dangers of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.
>
> "This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controled, or repressed; but in those of the popular form, it is seen in its greatest rankness and is truly their worst enemy.
>
> "The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual: and sooner or later the chief of some prevailing faction more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.
>
> "Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise People to discourage and restrain it.

"It serves always to distract the Public Councils and enfeeble the Public Administration. It agitates the Community with ill founded jealousies and false alarms; kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

"There is an opinion that parties in free countries are useful checks upon the administration of the Government, and serve to keep alive the spirit of Liberty. This within certain limits is probably true; and in Governments of a Monarchical cast, Patriotism may look with indulgence, if not with favour upon the spirit of party. But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched; it demands a uniform vigilance to prevent its bursting into flame, lest, instead of warming it should consume."—*George Washington*: from his *Farewell Address, 17th September, 1796.*

Clause 1: (2) Section 50 of the *B.N.A. Act* presently provides:

"Every House of Commons shall continue for five years from the day of the return of the writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer."

The Clause also amends, by way of exception, section 49 of the Act and Standing Order 10 which provide for majority vote.

Clause 1: (2) This subclause provides a means to bring a motion for dissolution before the House as a definite matter of urgent public importance.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act to amend the Food and Drugs Act.
(Listing of ingredients).

First reading, May 11, 1967.

Mr. SALTSMAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26355

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-51.

An Act to amend the Food and Drugs Act (Listing of ingredients).

R.S., c. 123. 1952-53, c. 38; 1960-61, c. 37; 1962-63, c. 15.

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

1. Paragraph (*b*) of subsection (1) of section 24 of the *Food and Drugs Act* is amended by adding thereto the following:

"and in any case where it is possible to do so the regulations shall provide that all the ingredients contained in the food and drugs covered by this subsection shall be enumerated on the labels accompanying the said food and drugs;"

Explanatory Note.

The purpose of this Bill is to amend the *Food and Drugs Act* to require producers of food and drugs placed on the Canadian market to accurately and completely list all ingredients on the labels of their products, as far as possible.

C-52.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-52.

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

First reading, May 11, 1967.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26515

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-52.

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.

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-53.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

An Act to provide for the Establishment of the Alaska-Yukon Highway Authority (Alaska Highway).

First reading, May 11, 1967.

Mr. Thompson.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25881

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-53.

An Act to provide for the Establishment of the Alaska-Yukon Highway Authority (Alaska Highway).

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 *Alaska-Yukon Highway Authority Act.*

INTERPRETATION.

Definitions.

2. In this Act

"Authority."

(*a*) "Authority" means the Alaska-Yukon Highway Authority established pursuant to this Act;

"Highway."

(*b*) "Highway" means that part of the Alaska-Yukon Highway, prior to this enactment known as the "Alaska Highway" and described as extending from Dawson Creek, in the Province of British Columbia, to Fairbanks, in the State of Alaska, with a connection to Haines, in Alaska aforesaid, that is within Canada;

"Member."

(*c*) "member" means a member of the Authority and includes an associate member except where the context otherwise requires; and

"Vehicle."

(*d*) "vehicle" means a device, in, upon, or by which a person or property is or may be transported or drawn upon a highway.

Explanatory Notes.

The purpose of this Bill is to provide for the development of the Alaska-Yukon Highway as a matter of national and international importance. see *Battelle Memorial Institute Report, Alberta Legislative Assembly Proceedings of 17 March 1964*, and *Bill S.282 of the United States Senate, 1st Session, 89th Congress, 6 January 1965.*

The Bill provides that a non-Crown corporation may be established to take over the development of the Highway within Canada.

The following features of the Bill may be noted:

The project is made a national concern (*Clause 7(3)*). It is administered by a body (*Clause 3(1)*) that provides for regional and for federal and provincial political interest. There is opportunity to appoint associate members of the United States or other persons representing distinct interests.

Three of the members are the House of Commons members for the time being who have a regional interest in the Highway—that is, the members for Cariboo, the Peace River and the Yukon Territory. They also have a voice in the House to put forward the case for development and maintenance of the Highway from a national standpoint and to petition the House for funds to that end. The parliamentary genesis and functions of these members may be compared with the U.K. *Parliamentary Charity Commissioner* and the French *commissaires-enqueteurs* and *rapporteurs*. Provision is made for members representing Alberta, British Columbia and the Yukon Territory. Associate members can be appointed to represent non-Canadian interests on the international project, on the one hand, or municipal interests, on the other. Finally, the federal government may appoint members from its officers and employees.

The Authority is a non-Crown body and has power to accept gifts and to borrow money at home and abroad.

ESTABLISHMENT AND CONSTITUTION.

Alaska-Yukon Highway Authority.

3. (1) There may be established under authority of this Act a body corporate called the Alaska-Yukon Highway Authority, to consist of

(*a*) three members, being the members of the House of Commons for the electoral districts of of Cariboo, Peace River and the Yukon or, as the case may be, those electoral districts which, in the judgment of the Authority, substantially are or substantially include the territorial areas Cariboo, Peace River and the Yukon electoral districts as constituted in the year 1964;

(*b*) six members, two to be appointed during pleasure by the Lieutenant Governor in Council of each of the Provinces of Alberta and British Columbia and by the Commissioner in Council of the Yukon Territory;

(*c*) three members, appointed during pleasure by the Governor in Council from among the officers or employees of Her Majesty; and

(*d*) associate members, being not more than three in number, each of whom to be appointed by the Authority to hold office for a term not to exceed six years.

(2) The Authority shall be established when seven persons qualified to be members assemble and elect a provisional chairman.

(3) The Authority is not an agent of Her Majesty and the members of the Authority as such are not part of the public service of Canada.

MEMBERS AND STAFF.

Disqualification for House of Commons.

4. (1) A member or associate member who is paid by the Authority is not capable of sitting in the House of Commons during his tenure as a member.

Canadian citizenship and residence.

(2) A member, other than an associate member, must be a Canadian citizen ordinarily resident in Canada.

Chairman.

5. (1) The members of the Authority shall elect one of their number as Chairman.

Quorum.

(2) A majority of the members constitutes a quorum of the Authority and a vacancy in the membership of the Authority does not impair the right of the remaining members to act.

Remuneration of members.

(3) There may be paid to any member of the Authority, who is not a member of the House of Commons,

a legislative assembly or the Council of the Yukon Territory, such remuneration out of the funds of the Authority as may be fixed by the Authority.

Officers and employees.

6. (1) The Authority may appoint a Chief Executive Officer and employ such other officers and employees as it deems necessary to carry out the purposes and functions of the Authority.

Salaries.

(2) The Chief Executive Officer and other officers and employees shall be paid such salaries, remuneration and allowances out of the funds of the Authority as may be fixed by the Authority.

OBJECTS AND DUTIES.

Objects.

7. (1) The objects of the Authority are to construct, reconstruct, improve, extend and maintain the Highway.

Duties.

(2) The Authority has the management, regulation and control of the Highway.

Highway for general advantage of Canada.

(3) The Highway is hereby declared to be for the general advantage of Canada and any work or undertaking necessary or incidental to an object of the Authority is a work or undertaking for the general advantage of Canada.

GENERAL POWERS.

Management, regulation and control.

8. (1) Subject to this Act, the Authority shall manage, regulate and control the lands on which the Highway is situated and all buildings and other movable or immovable property upon them or incidental to their user.

Powers to purchase and dispose.

(2) For the furtherance of its objects, the Authority may purchase or otherwise acquire land, and purchase or construct, and operate and maintain buildings, bridges, viaducts, tunnels or other structures, and machinery or other equipment for use in the development, operation and service of the Highway, and may dispose of, by sale or otherwise, of such land, structures or equipment.

Administration of Crown and municipal property.

(3) The Authority may administer and develop upon behalf of Her Majesty in right of Canada or in right of any province or upon behalf of any municipality adjacent to the Highway, any property owned by Her Majesty in right of Canada or in right of that province or owned by that municipality, as the case may be, that is a part of, or on, the Highway or in the immediate vicinity thereof.

Necessary and incidental powers.

(4) The Authority has all powers necessary and incidental to the carrying out of its objects and for the implementation of any power specified in this Act.

Expropriation Power.

Expropriation.

9. The Authority may take or acquire lands without the consent of the owner where it is unable to agree with the owner as to the price to be paid therefor, and the provisions of the *Railway Act* relating to the taking of lands by railway companies are, *mutatis mutandis*, applicable to the acquisition of such lands by the Authority.

Financing Powers.

Gifts and loans.

10. (1) The Authority may acquire money, securities or other property whatsoever by gift, loan or otherwise from any person, body corporate or body politic, and may expend, administer or dispose of any such money, securities or other property subject to the terms, if any, upon which such money, securities or other property is given, lent or otherwise made available to the Authority.

Authority may borrow, and issue debentures.

(2) The Authority may

(*a*) borrow money in Canada or elsewhere, and

(*b*) issue debentures for sums of not less than one hundred dollars, payable in not less than forty years.

By-laws.

By-laws.

11. (1) The Authority may make by-laws respecting the management of its internal affairs and the duties of its officers and employees, and for the management and control of the Highway and the works and property under its jurisdiction, including by-laws respecting

(*a*) the regulation of traffic and the user of the Highway by vehicles;

(*b*) the regulation of all works and operations on the Highway;

(*c*) the regulation or prohibition of crossings, railway or otherwise, on the Highway;

(*d*) the construction, operation and maintenance of

(i) inns, garages, service stations, depots, grain elevators, restaurants, terminals, and other facilities to serve the Highway; and

(ii) pipes, conduits and other works or appliances on the Highway and pipes or lines of wire or cable across, over or under the Highway;

(*e*) the regulation or prohibition of the erection of towers or poles, and the stringing or laying of

wires or cables along, across, over or under the Highway;

(*f*) the transportation, handling or storing on the Highway of explosives or other substances that, in the opinion of the Authority, constitute or are likely to constitute a danger or hazard to life or property;

(*g*) the maintenance of order and the protection of property on the Highway;

(*h*) the punishment that may be imposed on summary conviction for the breach of any by-law, which punishment shall not exceed a fine of five hundred dollars or imprisonment for a term of six months or both such fine and imprisonment;

and

(*i*) the regulation of all persons and vehicles coming upon or using the Highway.

(2) Every by-law or proposed by-law shall, at least forty days before its coming into force, be served upon the clerk or other proper officer of each municipality adjoining the Highway.

PUBLIC INTEREST.

Tenders.

12. (1) The Authority shall invite tenders by public advertisement, or where such course is impracticable, then by public notice, for work to be performed in carrying out its objects, except in case of pressing emergency where delay would be injurious to the public interest or except where, from the nature of the work, it can be more expeditiously and economically executed by the officers and employees of the Authority.

How dealt with.

(2) The Authority shall cause all tenders received in each case to be opened in public at a time and place stated in the advertisement or notice inviting the tenders, and the prices shall then and there be made known.

Interest of members.

13. A member of the Authority shall not, directly or indirectly,

(*a*) hold, acquire, or become interested in any share, stock, bond, debenture, or other security of any company that has financial dealings with the Authority;

(*b*) have any interest in any real or personal property that is acquired, used or disposed of by the Authority;

or

(*c*) have any interest in any contract or subcontract for materials supplied to or work done for the Authority.

Contract proviso prohibiting interest by legislator.

14. (1) In every contract, agreement or commission to be made, entered into or accepted by any person with the Authority, its officers or employees, there shall be inserted an express condition that no member of the Senate or House of Commons of Canada, of the legislative assemblies of Alberta or British Columbia, or Council of the Yukon Territory shall be admitted to any share or part of such contract, agreement or commission, or to any benefit to arise therefrom.

Penalty for breach of proviso.

(2) In case any person, who has entered into or accepted, or who shall enter into or accept any such contract, agreement or commission, admits any member or members of the Senate or House of Commons of Canada, of the legislative assemblies of Albertaor British Columbia, or Council of the Yukon Territory, to any part or share thereof, or to receive any benefit thereby, every such person shall, for every such offense, forfeit and pay the sum of two thousand dollars, recoverable with costs in any court of competent jurisdiction by any person who sues for the same.

Audit.

15. The accounts and financial transactions of the Authority shall be audited annually by the Auditor General, and a report of the audit shall be made to the Authority and to Parliament.

Report to Parliament.

16. The Chairman of the Authority shall in the month of February in each year make a report on the operations of the Authority during the preceding calendar year; and such report shall, within fourteen days after the making thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or otherwise within fourteen days after the meeting thereof.

Crown may authorize Authority to administer Crown lands.

17. The Governor in Council may authorize the Authority to administer and develop on behalf of Her Majesty in right of Canada any property owned by Her Majesty in right of Canada that is a part of the Highway or in the immediate vicinity thereof.

GENERAL.

Application of provincial laws.

18. Nothwithstanding anything in this Act, the Highway shall be subject to the same laws to which it would be subject if it were a highway within the legislative jurisdiction of the legislature or council of the province in which it is situated except in so far as such provincial laws are repugnant to this Act or the regulations.

Application to Crown.

19. Her Majesty in right of Canada or of a province is bound by this Act.

C-54.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act respecting the Metric System.

First reading, May 11, 1967.

Mr. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26233

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-54.

An Act respecting the Metric System.

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 *Metric System Enquiry Act.*

Commission established.

2. (1) There is hereby established a Metric System Enquiry Commission (hereinafter called "the Commission") which shall consist of the Deputy Minister of Trade and Commerce, the Deputy Registrar General, the Deputy Minister of Agriculture, the Deputy Minister of Energy, Mines and Resources, the Deputy Minister of Industry, the Deputy Solicitor General, the President of the National Research Council, the Dominion Statistician and the Commissioner of Patents.

Deputy Minister to preside.

(2) The Deputy Minister of Trade and Commerce shall be the Chairman of the Commission, but in his absence from any meeting, the Deputy Registrar General shall preside.

Duties of Commission.

3. (1) The Commission shall

(*a*) review and study the operation of the metric system in those countries in which it is in use;

(*b*) review and study the applicability of the metric system to Canadian conditions;

(*c*) prepare a report setting forth its recommendations as to whether or to what extent the metric system should be applied to or adapted for use in Canada;

Explanatory Note

This Bill is designed to provide a technique of study the applicability to Canada of the metric system.

The technique of appointment of a Commission of senior public servants is intended to (a) avoid the cost and delays inherent in the appointment of a Royal Commission (b) assure the completion of studies and reports within a reasonable time.

(*d*) if it concludes that the metric system should be applied to or adapted for use in Canada, prepare a report setting forth its recommendations as to the methods or techniques of making the system applicable or adaptable, and the projections of time within which such might be achieved;

(*e*) carry out such other functions and duties as may be assigned to it by any other Act of Parliament and engage in such other activities relevant to this or any other Act of Parliament as may be authorized by the Governor in Council.

Reports to Parliament.

(2) The Commission shall complete its reviews and studies and prepare its reports not later than the first day of December, 1968, and shall submit such reviews, studies and reports to the Speaker of the Senate and the Speaker of the House of Commons, each of whom shall cause such reviews, studies and reports to be laid before his respective House of Parliament within ten days after receipt thereof, or, if Parliament is not then sitting, on any of the first ten days next thereafter that Parliament is sitting.

Officers and employees.

4. (1) The Commission with the approval of Treasury Board may second from within the Public Service of Canada such officers or employees as may be necessary for the proper conduct of its work, and may prescribe the duties of such officers or employees.

(2) If Parliament has so provided by an item in any Appropriation Act, the Commission may engage on a temporary basis the services of persons having technical or specialized knowledge of any matter relating to the work of the Commission to advise and assist the Commission in the performance of its duties.

Provision for reviewof Act.

5. The Prime Minister shall, at the earliest convenient opportunity after the commencement of the first session of Parliament after the first day of January, 1969, propose to the House of Commons that an order be made and referred to an appropriate standing committee of the House of Commons for the consideration by such committee of the reviews, studies and reports of the Commission, and upon such order being referred to it the Standing Committee shall consider the matter of the order and report to the House its recommendations with respect thereto.

C-55.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

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

First reading, May 11, 1967.

Mr. FAWCETT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26411

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-55.

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

R.S., c. 234; 1955, cc. 41, 55; 1958, c. 40; 1960, c. 35; 1960-61, c. 54; 1963 cc. 28, 41, s.6; 1966-67, c. 25, s. 45, c. 69, s. 94.

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

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

Unauthorized changes forbidden.

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

Compensation.

Explanatory Notes.

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

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

Committee Report on this Bill.

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

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

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

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

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

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

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the Criminal Code
(Harassing telephone communications).

First reading, May 11, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26375

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-56.

An Act to amend the Criminal Code (Harassing telephone communications).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

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

1. Section 315 of the *Criminal Code* is amended by adding thereto the following subsection:

Harassing telephone communications.

"(3) Everyone who, with intent to harass or torment another person, repeatedly contacts such person by means of telephone communication or causes such person to be repeatedly contacted by means of telephone communication is guilty of an indictable offence and liable to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding six months or to both fine and imprisonment."

Explanatory Notes.

The telephone provides a necessary means of communication in modern society. However, the telephone also provides a means for some persons to invade from the outside the privacy of the home. Very often complaints are filed of abusive telephone calls that threaten, harass, or torment the recipient. No person should have to tolerate this invasion of his privacy.

On the other hand, use of the telephone is closely tied to freedom of speech. It would be unwise to place too severe limitations on the use of the telephone.

Parliament has already provided for the case of indecent telephone calls in section 315 of the *Criminal Code* and for the case of threatening telephone calls in section 316 of the said Code.

The purpose of this Bill is to amend section 315 of the *Criminal Code* so as to provide for the punishment of everyone who, with intent to harass or torment another person, repeatedly contacts such person by means of telephone communication.

Sections 315 and 316 read as follows:

"**315.** (1) Every one who, with intent to injure or alarm any person, conveys or causes or procures to be conveyed by letter, telegram, telephone, cable, radio, or otherwise, information that he knows is false is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Every one who, with intent to alarm or annoy any person, makes any indecent telephone call to such person is guilty of an offence punishable on summary conviction."

"**316.** (1) Every one commits an offence who by letter, telegram, telephone cable, radio, or otherwise, knowingly utters, conveys or causes any person to receive a threat

(*a*) to cause death or injury to any person, or

(*b*) to burn, destroy or damage real or personal property, or

(*c*) to kill, main, wound, poison or injure an animal or bird that is the property of any person.

(2) Every one who commits an offence under paragraph (*a*) of subsection (1) is guilty of an indictable offence and is liable to imprisonment for ten years.

(3) Every one who commits an offence under paragraph (*b*) or (*c*) of subsection (1) is guilty of

(*a*) an indictable offence and is liable for imprisonment for two years, or

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

C-57.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to amend the Canada Labour (Standards) Code (Provision for a Ninth General Holiday with Pay).

First reading, May 11, 1967.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26711

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-57.

An Act to amend the Canada Labour (Standards) Code (Provision for a Ninth General Holiday with Pay).

1964-65, c. 38; 1966-67, c. 59.

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 section 2 of the *Canada Labour (Standards) Code* is repealed and the following substituted therefor:

"General holiday."

"(*f*) "general holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, the first Monday in the month of August, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day and includes any day substituted for any such holiday pursuant to section 28;"

2. Subsection (2) of section 28 of the said Act is repealed and the following substituted therefor:

Existing collective agreements.

"(2) Where a collective agreement that is in effect on the day this Part comes into force provides for at least nine holidays with pay in each year, exclusive of any annual vacation, the employer who is bound by the collective agreement may designate a holiday specified in the agreement as a holiday in lieu of a specified general holiday under this Part and, on notification thereof to the Minister, that designated holiday shall, for those employees of the employer who are mentioned in the collective agreement, be a general holiday for the purposes of this Act during the period the collective agreement is in effect."

Coming into force.

3. This Act shall come into force on the first day of January, 1968.

Explanatory Notes.

The federal Labour Code now provides for eight general holidays with pay each year for all employees to whom the Code applies. This Bill would increase this number from eight to nine by adding the first Monday in the month of August to the list.

This Bill does not affect the provision of section 28 of the Code under which, to suit special or local conditions, some other holiday may be substituted for one of those listed in the statute. But it would provide for all employees covered by the federal Labour Code to receive not less than nine general holidays with pay during each year of employment.

C-58.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act to amend the Bills of Exchange Act and the Interest Act (Off-store Instalment Sales).

First reading, May 11, 1967.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26459

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-58.

An Act to amend the Bills of Exchange Act and the Interest Act (Off-store Instalment Sales).

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

R.S., c. 15.

1. The *Bills of Exchange Act* is amended by adding thereto, immediately after section 142 thereof, the following section:

Collateral security bill given at off-store premises may be cancelled.

"**142A.** (1) Where under a transaction by way of conditional sale, hire purchase, or any other deferred payment agreement,

(*a*) a bill of exchange is given as collateral security for but not in satisfaction or payment of the purchase or consideration money or part of it, and

(*b*) the bill is signed by the person giving it at his place of residence or any other place where a retail trade or business in goods, services, or work, labour and materials, of the kind or nature dealt with in the agreement, is not ordinarily carried on,

the person so signing and giving the bill may, within the period of three clear days from the date upon which the bill was signed, by notice in writing sent by registered mail to the person to whom he gave the bill or to that person's principal or agent, discharge himself of liability upon the bill.

Cancellation notice deemed a renunciation.

(2) A notice so sent is deemed to be an absolute and unconditional renunciation in writing by all other persons privy to the transaction of their and each of their rights upon the bill against the person signing the bill.

Explanatory Notes.

The purpose of this bill is to protect the Canadian consumer when he or she is approached in his home or other "off-store" premises and is pressured into signing a contract for goods, services, or work, labour and materials that are to be paid for by the consumer in future instalments. The principle of the bill is to afford the consumer a period for "sober second thought".

Such contracts involve "property and civil rights"—a provincial matter: but they also involve "bills and notes" and "interest", which are federal matters. This bill deals with the problem under the last two heads. Provincial legislation could be used to complement this bill.

The provisions of Clause 1 of this Bill refer only to bills of exchange. Section 165 of the *Bills of Exchange Act* provides that a cheque is a bill of exchange; and section 186 provides that the provisions of the Act relating to bills of exchange apply, with certain exceptions, to promissory notes.

A comparison may be made with the United Kingdom Bill entitled "An Act to amend the law relating to hire-purchase and sales on credit of goods; and for purposes connected therewith", of 1962, and the Marshalled List of Amendments to be Moved in Committee.

The amendment proposed to the *Bills of Exchange Act* gives the consumer three full days to cancel any bill of exchange or promissory note he has given as collateral security to his contract. If the bill or note has not been

Holder in due course not prejudiced.

(3) Nothing in this section prejudices the rights of a holder in due course without notice of renunciation.

Joint and several liability of parties to transaction.

(4) Where a bill so discharged is in the hands of a holder in due course without notice of renunciation, all persons privy to the transaction are jointly and severally liable on the bill."

R.S., c. 156.

2. The *Interest Act* is amended by adding thereto, immediately after section 5 thereof, the following section:

Interest bearing contract given at off-store premises may be terminated.

"**5A.** (1) Where a conditional sale, hire purchase, or other deferred payment contract or agreement whatsoever, whether under seal or not,

(*a*) provides by a term thereof for the payment of interest, and

(*b*) the contract or agreement is signed by the person liable for the payment of interest at his place of residence or any other place where a retail trade or business in goods, services, or work, labour and materials, of the kind or nature dealt with in the contract or agreement, is not ordinarily carried on,

the person so signing the contract or agreement may, within the period of three clear days from the date upon which he signed the contract or agreement, by notice in writing sent by registered mail to the person to whom the interest is payable, terminate the contract or agreement.

Effect of termination.

(2) A contract or agreement so terminated shall, as from the date on which notice of termination was sent, be deemed to have been rescinded by mutual consent and there shall be deemed also to have been a total failure of consideration in respect of the contract or agreement.

Notice of right to terminate.

(3) Where a contract or agreement does not expressly contain a term, written and displayed at least as prominently as the other terms therein, setting out that the person liable for payment of interest has the right of termination provided by subsection (1), the period of limitation fixed in that subsection shall not apply and the right of termination shall continue while the contract or agreement subsists or until the expiration of three clear days from the date the person so liable has personally received notice in writing that he has such a right of termination.

Termination by party other than party liable for interest.

(4) A contract or agreement shall not be voided or otherwise terminated by any person other than the person liable to payment of interest thereunder unless the person so liable has not exercised his right to terminate the contract or agreement within the time therefor limited by this section."

negotiated meanwhile to an innocent third party, he has no further liability on it. If the other party meanwhile has passed, or later passes, the bill or note to an innocent third party, the consumer is liable to such innocent holder but he has a claim over against the other party to the agreement by operation of the proposed 140A(2) and (3). In the class of case here dealt with, the innocent holder would not generally be involved: nor, under this proposed amendment, would it be to the advantage of the seller to negotiate the note to an innocent third party.

Under the proposed amendment to the *Interest Act*, the effect of 5A(3) and (4) is to compel the seller, for his own advantage, to advise the consumer of his 3 day right to terminate the contract by including a clause to this effect in the contract.

C-59.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act to repeal the Tobacco Restraint Act.

First reading, May 11, 1967.

Mr. COWAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26691

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-59.

An Act to repeal the Tobacco Restraint Act.

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

R.S., c. 266 repealed.

1. The *Tobacco Restraint Act*, chapter 266 of the Revised Statutes of Canada, 1952, is repealed.

Explanatory Notes.

The long title of the Act which this Bill purposes to repeal is: "An Act to restrain the use of Tobacco by Young Persons."

This legislation which has been on our statute books since 1908 has certainly not accomplished what it started out to do. No doubt its purpose was excellent but it has had a contrary effect to what was intended. Like all law which is a dead letter and is not observed it tends to bring the administration of justice into disrepute.

Furthermore it is vicious legislation in that it is an attempt at thought control for it provides punishment (section 3) for a juvenile "about to smoke or chew tobacco" and (in section 4) for a juvenile who "has in his possession, whether for his own use or not, any cigarettes etc."

Many people have been killed by blows from a hammer or an ax, perhaps it should be made a crime to be found in possession of one of those horrible instruments.

C-60.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

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

First reading, May 11, 1967.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26567

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-60.

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

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 Disaster Fund Act.*

Canada Disaster Fund established.

2. (1) There is hereby established a fund, to be known as the Canada Disaster Fund (hereinafter called the "Fund"), which shall consist of all money, securities and other property received by the Trustees of the Fund for the purpose thereof and shall include all income derived therefrom and all gifts, bequests, grants, appropriations and other contributions made thereto.

Board of Trustees.

(2) The Fund shall be administered by a board of trustees, to be known as the Trustees of the Canada Disaster Fund (herein called the "Trustees"); the Governor in Council shall appoint the Chairman and other members of the Board.

Audit.

(3) The accounts of the Fund shall be audited by the Auditor General of Canada.

Purpose.

3. (1) The Fund is established for the relief of persons within a province who suffer loss from a disaster.

Definition of "disaster".

(2) "Disaster" means an inevitable accident or an act of God resulting in losses to persons within a province where such losses exceed in total an amount fixed annually by the Trustees in respect of a disaster within that province.

Explanatory Note.

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

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

Contribution to disaster.

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

Regulations.

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

C-61.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act to amend the British North America Act, 1867. (Duration of House of Commons).

First reading, May 11, 1967.

Mr. BELL (Carleton).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25861

Second Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-61.

An Act to amend the British North America Act, 1867. (Duration of House of Commons).

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

30 and 31 Vict., c. 3.

1. Section 50 of the *British North America Act, 1867*, is repealed and the following substituted therefor:

Duration of House of Commons.

"**50.** (1) Except as hereinafter otherwise provided, every House of Commons shall continue for five years from the date of the return of the writs of election of Members thereof and for such further period, if any, as may be necessary for the return of the writs after the next succeeding election, so that a newly-elected House of Commons may be convened.

Royal Power of dissolution abolished.

(2) Notwithstanding any royal prerogative or anything contained in any Act of the Parliament of the United Kingdom or any Act of the Parliament of Canada the Royal Power of dissolution as heretofore known is hereby abolished.

Date of election.

(3) Elections of Members of the House of Commons shall be held on the first Monday in November of each fifth year, unless in accordance with succeeding subsections hereof an election is required to be held on a different or earlier date.

Holding of election before five years.

(4) If the Governor-General, on the advice of His Ministers, shall determine that the national interest requires the holding of an election of Members of the House of Commons at a date earlier than that provided by subsection (3), he shall so recommend to the House of Commons specifying in such recommendation the proposed date of such election, and unless the House of Commons by a majority vote to be held at the next sitting thereof, after a debate, which debate

Recommendation of the Governor General.

Explanatory Notes.

The purpose of this Bill is to abolish the Royal Power of dissolution with a view to reducing the arbitrary power of the Prime Minister and enhancing the independence of the private Member of Parliament. To this end, fixed dates of elections are provided for, subject to the holding of an election at other dates if the House of Commons itself, either on the recommendation of the Government or of sixty of its own members, so determines.

Also, with a view to restoring the independence of the private Member of Parliament, provision is made whereby defeat of the Government in the House of Commons will not lead to an election, unless the House itself so determines. The House is also given the right to recommend to the Governor-General the person who should be asked to accept the responsibility of forming a new Ministry.

A further purpose of the Bill is to require the House of Commons always to make financial provision for the public service before adjournment or prorogation of Parliament previous to a general election, thereby obviating the undemocratic practice of resort to Governor-General's Warrants.

Under other provisions of the Bill, the House of Commons would never be dissolved, but would have always legal existence until the successors of existing Members were declared elected and a new House of Commons could be convened. Under existing conditions, Canada periodically is powerless in international emergencies as well as domestic crises requiring parliamentary action for periods of up to ninety days during and after an election. This concomitant of the Royal Power of dissolution is dangerous in the extreme under modern conditions and there should always be a Parliament capable of being called into session. Under this Bill, Parliament would have continuous existence, the existing House of Commons having legal entity for all purposes until a new House can be assembled.

Vote in the House.

shall not exceed twenty-four hours in duration (during which period all Rules regarding adjournment of the House shall be suspended and debate on such recommendation shall have priority over all other business of the House) rejects such recommendation, an election of members of the House of Commons shall be held on the date so specified.

House agreeing the holding of election.

(5) If at any time, sixty or more members of the House of Commons shall subscribe to a resolution recommending the holding of an election at a date earlier than that provided by subsection (3), the proposed date of such election to be specified in such resolution, the said resolution shall be debated at the next sitting of the House, and unless the House of Commons by a majority vote after such debate not to exceed twenty-four hours in duration (during which period all Rules regarding adjournment shall be suspended and debate on such resolution shall have priority over all other business of the House) defeats such resolution, an election of members of the House of Commons shall be held on the date so specified.

Defeat of a governmental measure.

(6) Notwithstanding any constitutional custom or usage which has existed heretofore, the defeat in the House of Commons of any resolution, bill, proposal or matter submitted to the House by, or supported by Her Majesty's Ministers or the passage of any resolution, bill, proposal or matter opposed by Her Majesty's Ministers shall not *ipso facto* result in the holding of an election or in the resignation of Her Majesty's Ministers. Where Her Majesty's Ministers

Resignation.

sustain any such defeat in the House of Commons, they may either tender their resignations to the Governor-General who shall then be at liberty to ask any person to accept the responsibility of forming a new ministry until the pleasure of the House of Commons be known, or they may submit for consideration

Debatable motion of confidence.

of the House of Commons a motion to be debated at the next sitting thereof and determined at such sitting (during which it shall have priority over all other business) asserting that Her Majesty's Ministers enjoy the confidence of the House of Commons or they may recommend to the Governor-General the submission of a recommendation pursuant to subsection (4) for

Election.

the holding of an election. In either of the latter two alternatives, if the motion of confidence or the recommendation for an election be defeated in the House of Commons, Her Majesty's Ministers shall tender their resignations forthwith to the Governor-General who subject to the provisions hereafter set forth shall then

The Bill would not apply to the 27th Parliament, but would come into force on the day after the next General Election.

At present, section 50 of the British North America Act reads as follows:

"**50.** Every House of Commons shall continue for Five Years from the Day of the Return of the writs for choosing the House (subject to be sooner dissolved by the Governor-General), and no longer."

be at liberty to ask any person to accept the responsibility of forming a new ministry until the pleasure of the House of Commons be known. At any time, the House of Commons, by resolution, shall have the right, if it so wishes, to make a recommendation to the Governor-General as to the person to be asked by him to accept the responsibility of forming a new ministry and the Governor-General shall accept and act upon any such recommendation so made. The Governor-General, of his own initiative shall have the right to request the House of Commons to make such recommendation and if he does, the House of Commons shall within forty-eight hours thereafter by resolution, make such recommendations or alternatively, report to the Governor-General that it is unable so to do.

Recommendation by the House.

Initiative of the Governor General.

(7) In the event that an election of members of the House of Commons shall be held pursuant to subsections (4) and (5) hereof on a date other than the first Monday in November, the next succeeding election of members of the House of Commons shall be held on the first Monday in November, four years after the first Monday in November next succeeding the date of such election, unless a further election be held in the meantime pursuant to subsections (4) or (5).

Next election in some cases.

(8) When an election is to be held whether pursuant to subsection (3) or pursuant to subsections (4) or (5), Parliament shall not adjourn or prorogue until it shall have made such financial provision as may be necessary to carry on the public service of Canada until a new Parliament may be convened subsequent to such election.

No adjournment or prorogation without money voted.

(9) Members of the House of Commons shall continue to be members until the return of the writs of election of their successors, and notwithstanding the holding of an election, the Governor-General, on the advice of Her Majesty's Ministers, may, at any time and from time to time during the period for the holding of such election, and the period before the return of the writs for such election, convene a session of Parliament and any such session so convened may continue until the writs for such election have been returned and a newly elected House of Commons may be convened.

Members to continue to be members until return of the writs of the election of their successors.

Session of Parliament during election.

(10) This amendment shall come into force on the first day subsequent to the next general election and the first election of members of the House of Commons subsequent thereto shall be on the first

Coming into force.

Monday in November four years after the first Monday in November next succeeding the coming into force of this amendment, unless an election be held earlier pursuant to the subsections (4) or (5) hereof."

Short title and citation.

2. This Act may be cited as the *British North America Act, 1967*, and the British North America Acts, 1867 to 1965, and this Act may be cited together as the *British North America Acts, 1867 to 1967*.

C-62.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-62.

An Act to amend the Criminal Code.

First reading, May 11, 1967.

Mr. STEFANSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26427

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53. 1966-67 c. 23, c. 25, s. 45.

BILL C-62.

An Act to amend the Criminal Code.

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

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

Discharging noxious waste product, etc. into interprovincial water.

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

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

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

Explanatory Notes.

The purpose of this Bill is to make it an offence to discharge noxious matters into interprovincial water, thus endangering the lives, safety or health or comfort of the public.

C-63.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act to amend the Broadcasting Act
(Television receiving Apparatus).

First reading, May 11, 1967.

Mr. PRITTIE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26507

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-63.

An Act to amend the Broadcasting Act (Television receiving Apparatus).

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

1958, c. 22. Regulations.

1. Subsection (1) of section 11 of the *Broadcasting Act* is amended by adding thereto, immediately after paragraph (*i*) thereof the following:

Television receiving apparatus.

"(*j*) to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of adequately receiving all frequencies allocated under the *Radio Act* to television broadcasting when such apparatus is manufactured in Canada, or is imported into Canada, for sale or resale to the public."

R.S., 233.

Explanatory Note.

The purpose of this bill is to empower the Board of Broadcast Governors to require the manufacturers of television receiving sets to include an ultra high frequency band on each unit.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to amend the Combines Investigation Act (Increased prices).

First reading, May 11, 1967.

Mr. SALTSMAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26483

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-64.

An Act to amend the Combines Investigation Act (Increased prices).

R.S., c. 314; 1953-54, c. 51, s. 750; 1959, c. 40; 1960, c. 45; 1960-61, c. 42; 1962-63, c. 4; 1964-65, c. 35; 1966-67, c. 23, c. 25, ss. 38, 45.

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

1. The *Combines Investigation Act* is amended by inserting immediately after section 8 thereof the following:

Inquiry by Director in case of increased prices.

"**8A.** (1) The Director may, on application made by any six persons, Canadian citizens, resident in Canada, of the full age of twenty-one years, cause an inquiry to be made into the increased prices in the case of any article with the view of determining the facts.

Powers of the Director.

(2) In conducting such inquiry, the Director shall have the right to examine the books, the profit and loss statements and the cost accounting material or other pertinent documents of the particular industry concerned in order to find out whether increased wage costs and increased costs of raw materials and other relevant costs warrants the increase imposed upon the public.

Report to Parliament.

(3) When the Director has made his inquiry and has determined the facts, he shall then, if Parliament is sitting, report to Parliament within fifteen days of his findings, and if Parliament is not then sitting, within fifteen days after commencement of the next ensuing session."

Explanatory Notes.

The purpose of this Bill is to enable the Director of Investigation and Research appointed under the *Combines Investigation Act* to cause an inquiry to be made into the increased prices in the case of any commodity with the view to determine whether increased wage costs and increased costs of raw materials and other relevant costs warranted the increase which was being imposed upon the public and to report thereon.

The Bill also seeks to carry out the substance of the sub-amendment moved in the House by the Leader of the New Democratic Party on March 21, 1966, which was as follows:

> "this House further regrets that the government has not established a prices review board to determine the extent to which price increases are unjustified and to take appropriate steps to reduce such prices accordingly."

C-65.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

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

First reading, May 11, 1967.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26403

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-65.

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

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

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

1956, c. 46, s. 2.

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

Advertising to indicate percentum per annum.

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

1956, c. 46, s. 6.

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

Proviso.

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

Explanatory Note.

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

C-66.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

An Act to amend the Criminal Code
(Tire Safety).

First reading, May 11, 1967.

Mr. MATHER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26435

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-66.

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, 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, cc. 22, 35, 53; 1966-67, c. 23, c. 25, s. 45.

An Act to amend the Criminal Code (Tire Safety).

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

1. The *Criminal Code* is amended by inserting immediately after section 165 thereof the following section:

Defective tires.

"**165A.** (1) No one shall manufacture, sell or otherwise dispose of tires for motor vehicles, which may, on account of their defective nature, endanger the life or property of drivers, passengers, pedestrians or any other person.

Regulations.

(2) The Governor in Council shall, by regulation, establish and define the minimum standards of safety of tires for motor vehicles.

Penalty.

(3) Everyone who fails to comply with this section and the regulations issued thereunder is guilty of an indictable offence and liable to a fine of not more than two thousand dollars or to imprisonment for six months or to both.

"Motor vehicles."

(4) In this section "motor vehicle" means passenger cars, station wagons and trucks but does not include any motor vehicle classified as a special purpose vehicle such as an antique or racing car."

Explanatory Notes.

The purpose of this Bill is to enable the Governor in Council to define by regulation the minimum standards of safety of tires for motor vehicles, and to provide that everyone who manufactures, sells or otherwise disposes of tires which do not meet the said minimum standards is guilty of an indictable offence.

C-67.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act to amend the Judges Act.
(Discontinuation of Pension).

First reading, May 11, 1967.

MR. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25873

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-67.

An Act to amend the Judges Act.
(Discontinuation of Pension).

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 and 47; 1960-61, c. 38; 1962, c. 22; 1963, c. 8; 1964-65, cc. 14 and 36; 1966-67, cc. 8, 68, 76

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

Discontinuation of pension.

1. Section 29 of the *Judges Act* is amended by adding thereto the following subsection:

"(2) If any person who was granted a pension or an annuity under the *Judges Act*, chapter 105 of the Revised Statutes of Canada, 1927, as amended, or who is granted an annuity under this Act, engages thereafter in practice before the courts as a barrister or advocate at the bar of any province, such pension or annuity shall cease, and shall not thereafter be resumed whether or not such person desists from such practice."

Explanatory Notes.

The purpose of this Bill is to prevent judges who have retired from appearing before the courts where they have previously sat or before judges who in years gone by may have appeared before them; to prevent also such former judges from quoting in their favour before courts decisions which they themselves have rendered or decisions which they have been instrumental in making.

This is purely to safeguard the independence of the Judiciary and to achieve the highly recognized standards of professional ethics.

C-68.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Canada Evidence Act (Incriminating statements).

First reading, May 11, 1967.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26467

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-68.

An Act to amend the Canada Evidence Act (Incriminating statements).

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

R.S., c. 307; 1953, c. 2; 1953-54, c. 51.

1. The *Canada Evidence Act* is amended by adding immediately after section 50 thereof the following:

"PART IV.

51. This Part applies to all criminal proceedings and other matters whatsoever respecting which the Parliament of Canada has jurisdiction in this behalf.

Definitions.

52. In this Part

"Counsel."

(*a*) "counsel" means counsel as defined in subsection (7) of section 2 of the *Criminal Code;*

"Court."

(*b*) "court" means court of criminal jurisdiction as defined in subsection (10) of section 2 of the *Criminal Code;*

"Peace officer."

(*c*) "peace officer" means peace officer as defined in subsection (30) of section 2 of the *Criminal Code*;

"Person in authority."

(*d*) "person in authority" includes a peace officer as defined in paragraph (*c*) of this section and any person whose promise or threat would be likely to influence a person charged and induce him to make a statement against his interest from fear or hope;

"Statement."

(*e*) "statement" means an admission, orally or in writing, made at any time by a person being interrogated about a crime or charged with a crime, stating or suggesting the inference that he committed the crime;

Explanatory Notes.

There has been a profound movement in this country and elsewhere to maintain the principle of civil rights of those people who are questioned by persons in authority during the course of investigations into alleged breaches of the criminal law. Up to the present time, in Canada, police officers have been guided by well known legal propositions when eliciting criminating statements from accused persons not however without infrequent accusations directed to the police that such statements were obtained by coercion, etc.

This Bill is therefore intended to avoid such controversy by making certain that the rights of an individual in these circumstances are always considered, if not paramount.

"Voluntary statement."

(*f*) "voluntary statement" means in the sense that it has not been obtained by fear of prejudice or hope of advantage exercised or held out by a person in authority or by oppression.

Voluntariness required.

53. No statement shall be admissible in evidence against its author in any criminal proceeding unless it is a voluntary statement.

Warning required.

54. No statement shall be admissible in evidence against its author in any criminal proceeding if such statement was made while its author was in the custody of a person in authority unless prior to making such statement its author was duly warned by a person in authority that

(i) he was not obliged to make any statement, and

(ii) if he voluntarily chose to make a statement, it would be taken down in writing and may be given in evidence and,

Entitled to counsel.

(iii) he was entitled to counsel and that if he could not afford counsel, one would be assigned to act on his behalf if he so desired.

When counsel requested.

55. If, pursuant to section 54 a request for counsel is made, the person in authority shall give the person who made the request an opportunity to contact his counsel or advise the local legal aid office director in the event the person who made the request cannot afford counsel.

Counsel to be present during interrogation.

56. (1) No person shall be interrogated by any person in authority after such person has requested counsel until he has had a reasonable opportunity to confer with his counsel.

(2) Every person is entitled to the presence of counsel during all interrogations by a person in authority.

Waiving right to counsel.

57. No statement shall be admissible in evidence against its author in any criminal proceeding if he was without the benefit of counsel at the time the statement was made unless the author knowingly and voluntarily waived his right to counsel."

C-69.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act to authorize the Government of Canada to enter into negotiations for the creation of an Inter-governmental Advisory Commission.

First reading, May 11, 1967.

Mr. MONGRAIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26495

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-69.

An Act to authorize the Government of Canada to enter into negotiations for the creation of an Inter-governmental Advisory Commission.

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

Inter-governmental Advisory Commission.

1 The Government of Canada is hereby authorized to enter into negotiations at the next or at any other Federal-Provincial Conference with the representatives of all provincial governments in view of establishing an Inter-governmental Advisory Commission comprised of representatives from the federal, provincial and municipal governments.

Explanatory Notes.

The purpose of this Bill is to draw the attention of Parliament to the urgent necessity of establishing an Intergovernmental Advisory Commission to deal with common problems affecting federal, provincial and municipal authorities.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

An Act to amend the Criminal Code.
(Modernization of Law of Picketing).

First reading, May 11, 1967.

Mr. LEWIS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26699

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

1953–54, cc. 51, 52 (52 included in c. 51); 1955, cc. 2, 45; 1956, c. 48, ss. 19–20; 1957–58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37, c. 45, s. 21; 1960–61, cc. 21, 42, 43, 44; 1962–63, c. 4; 1963, c. 8; 1964–65, c. 22, s. 10 and cc. 35, 53; 1966–67, c. 23, c. 25, s. 45.

THE HOUSE OF COMMONS OF CANADA.

BILL C-70.

An Act to amend the Criminal Code.
(Modernization of Law of Picketing).

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

Exception.

"(2) Persons do not watch or beset within the meaning of this section if, without violence or the threat of violence, and whether singly or in small or large numbers, they attend at or near or approach a dwelling house or place of business for the purpose of obtaining or communicating information or of persuading, or attempting to persuade, employees, customers, clients or other persons to abstain from doing or to do something in order to promote the lawful interests of employees who, or on whose behalf such persons so attend at or near or approach the dwelling house or place of business."

Explanatory Note.

The amendment is intended to permit peaceful picketing by any number for the purpose not only of communicating information but also of persuading other employees and people having business dealings with a struck company to support the cause of the picketers in the case, particularly, of a lawful strike.

Subsection (2) of section 366 at present reads as follows:

"(2) A person who attends at or near or approaches a dwelling house or place, for the purpose only of obtaining or communicating information, does not watch or beset within the meaning of this section."

C-71.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

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

First reading, May 11, 1967.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26591

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-71.

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

R.S., c. 15.

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

1. The *Bills of Exchange Act* is amended by adding thereto, immediately after section 16 thereof, the following section:

Consideration, retail credit instalment transaction.

"**16A.** (1) Every bill or note, the consideration of which consists in whole or in part of the purchase money or a part thereof in a retail credit instalment transaction, shall have written or printed prominently and legibly across the face thereof, before the same is issued, the words *Given in a retail credit instalment transaction.*

Absence of necessary words.

(2) Without such words thereon, such instrument and any renewal thereof is void except in the hands of a holder in due course without notice of such consideration.

Transferee to take with equities.

(3) The endorsee or other transferee of any such instrument having the words *Given in a retail credit instalment transaction* so written or printed thereon takes the instrument subject to any defence or set-off in respect of the whole or any part thereof that would have existed between the original parties.

Transferring defective note.

(4) Every one who issues, sells or transfers, by endorsement or delivery, any such instrument not having "the words *Given in a retail credit instalment transaction* written or printed across the face thereof in the manner prescribed by subsection (1), knowing

Explanatory Note.

The purpose of this Bill is for the better prevention of fraud in connection with retail credit instalment transactions. Its object is to protect persons who give bills or notes in retail credit instalment transactions and to enable them to defend themselves against transferees to the same extent as they could against the original payee.

Subclause 1: Any bill of exchange or promissory note given in a retail credit instalment transaction must so indicate on its face;

Subclause 2: When the warning words are omitted, the bill or note is void except against a holder in due course without notice of the transaction; in all such cases of omission, however, a person who negotiates the instrument, knowing that the instrument was given in a retail credit instalment transaction, is guilty of an indictable offence, *subclause 4;*

Subclause 3: When the warning words are on the bill or note, all the defences, set-offs and counterclaims that may arise out of the retail credit instalment transaction are available to the original parties against any subsequent holder.

These four subclauses are modelled respectively upon sections 14(1), 14(2), 15 and 16 of the Act; these sections provide for the better prevention of fraud in connection with the sale of patent rights. Sections 14(1), 15 and 16 were first enacted by Parliament in chapter 38 of the Acts of 1884 and ante-date the original *Bills of Exchange Act* of 1890. This 1884 anti-fraud statute was incorporated in that original Act; and section 14(2) was added by the Senate as an amendment.

the consideration of such instrument to have consisted in whole or in part of the purchase money or a part thereof in a retail credit instalment transaction, is guilty of an indictable offence and liable to imprisonment for any term not exceeding one year or to such fine, not exceeding two hundred dollars, as the court thinks fit."

Indictable offence Penalty.

C-72.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act to amend the Canada Labour (Standards) Code (Increased Minimum Hourly Wage).

First reading, May 11, 1967.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26387

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-72.

An Act to amend the Canada Labour (Standards) Code (Increased Minimum Hourly Wage).

1964-65, c. 38; 1966-67, c. 59.

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 eleven of the *Canada Labour (Standards) Code* is repealed and the following substituted therefor:

Minimum hourly wage.

"**11.** (1) Except as otherwise provided by or under this Part, an employer shall pay to each employee of the age of seventeen years and over a wage at the rate of not less than one dollar and fifty cents an hour or not less than the equivalent of that rate for the time worked by him where the wages of the employee are paid on any basis of time other than hourly."

Coming into force.

2. This Act shall come into force on the first day of January, 1967.

Explanatory Notes.

Subsection (1) of section 11 at present reads as follows:

"11. (1)Except as otherwise provided by or under this Part, an employer shall pay to each employee of the age of seventeen years and over a wage at the rate of not less than one dollar and *twenty-five* cents an hour or not less than the equivalent of that rate for the time worked by him where the wages of the employee are paid on any basis of time other than hourly."

The purpose of this Bill is to increase the minimum hourly wage of "not less than one dollar and twenty-five cents" to a minimum hourly wage of "not less than one dollar and fifty cents".

C-73.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

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

First reading, May 11, 1967.

Mr. ORLIKOW.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26407

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-73.

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, cc 37, 45; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10, cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

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

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

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

Restriction where "company housing."

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

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

An Act to amend the British North America Act, 1867, (Canadian Bill of Rights).

First reading, May 11, 1967.

Mr. BADANAI.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26543

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-74.

An Act to amend the British North America Act, 1867, (Canadian Bill of Rights).

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

30 and 31 Vict., c. 3.

1. The *British North America Act, 1867*, is amended by inserting immediately after section 91 thereof the following:

Rights and freedoms not to be abridged.

"**91A.** (1) Parliament shall make no law prohibiting, abrogating, abridging, trenching or infringing upon

(*a*) freedom of religion;
(*b*) freedom of speech;
(*c*) freedom of assembly and association;
(*d*) freedom of the press;
(*e*) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of the law; and
(*f*) the right of the individual to equality before the law and the protection of the law.

Laws not to discriminate.

(2) Parliament shall make no law that may be construed as discriminating by reason of

(*a*) race;
(*b*) national origin;
(*c*) colour;
(*d*) religion; and
(*e*) sex.

Rights of individuals.

(3) Parliament shall make no law to

(*a*) authorize or effect the arbitrary detention, imprisonment or exile of any person;
(*b*) impose or authorize the imposition of cruel and unusual treatment or punishment;
(*c*) deprive a person who has been arrested or detained

Explanatory Notes.

The purpose of this Bill is to amend the *British North America Act, 1867*, by adding thereto as part of the federal constitution, with regard to the powers of Parliament, a Canadian Bill of Rights in substitution for the Act of Parliament, Chapter 44, passed in the year 1960.

This latter statute has been to a certain point ineffective from the fact that it is not part of the Canadian Constitution and that its application has been rather limited because most of the time the decisions of the Courts have been to the effect that its provisions apply only to legislation adopted by Parliament since its coming into force.

Not only new legislation but that which is already on the Statute Books should be interpreted in the light of the principles which will be now contained in the Constitution itself.

This is what the present measure seeks to achieve.

If such a Bill is passed and becomes law, any legislation which is inconsistent with its provisions would be *ultra vires* to the extent of such inconsistency, which is not the case under the present legislation.

The present Bill will apply solely to matters of federal jurisdiction but nothing therein would prevent the provinces from agreeing amongst themselves to a similar amendment which might be inserted as part of section 92 of the *British North America Act, 1867*.

(i) of the right to be informed promptly of the reason for his arrest or detention,

(ii) of the right to retain and instruct counsel without delay, or

(iii) of the remedy by way of *habeas corpus* for the determination of the validity of his detention and for his release if the detention is not lawful;

(*d*) authorize a court, tribunal, commission, board or other authority to compel a person to give evidence if he is denied counsel, protection against self crimination or other constitutional safeguards;

(*e*) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;

(*f*) deprive a person charged with a criminal offence of the right to be presumed innocent until proved guilty according to law in a fair and public hearing by an independent and impartial tribunal, or of the right to reasonable bail without just cause; or

(*g*) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak the language in which such proceedings are conducted.

As to existing law.

(4) Any law of Parliament now in existence which is contrary to the provisions of the three preceding subsections shall be deemed to be unconstitutional to the extent of its inconsistency with those provisions.

Canadian Bill of Rights.

(5) The provisions of this section shall be known as the *Canadian Bill of Rights.*"

Repeal.

2. The Act for the Recognition and Protection of Human Rights and Fundamental Freedoms is hereby repealed.

Short title and citation.

3. This Act may be cited as the *British North America Act, 1967*, and the British North America Acts, 1867 to 1965, and this Act may be cited together as the *British North America Acts, 1867 to 1967.*

C-75.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-75.

An Act to amend the Juvenile Delinquents Act.

First reading, May 11, 1967.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26527

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-75.

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. Subsection (2) of section 26 of the *Juvenile Delinquents Act* is repealed.

Explanatory Note.

The purpose of this Bill is to provide that no child who has committed a delinquency shall be confined in a place of imprisonment for adults.

Section 26 of the *Juvenile Delinquents Act* is as follows:

"**26.** (1) No juvenile delinquent shall, under any circumstances, upon or after conviction, be sentenced to or incarcerated in any penitentiary, or county or other gaol, or police station, or any other place in which adults are or may be imprisoned.

(2) This section does not apply to a child who has been proceeded against under the provisions of section 9."

Section 9 provides that where the child is accused of an indictable offence and is apparently or actually over 14 years old, the Court may order that the child be tried by indictment in the ordinary courts if the Court believes that the child's good and the interest of the community demand it.

The Fauteux Committee in 1956 made the following comment and recommendation at page 27 of its Report to the Minister of Justice:

> "*Young Offenders*
>
> It is an astonishing fact that under the present law in Canada, it is possible for a child under the age of sixteen to be convicted of a criminal offence in an adult court and be sentenced to a lengthy term of imprisonment in a penitentiary. This can happen in any of the many areas where the *Juvenile Delinquents Act* is not in force... In our opinion legislative changes are needed immediately to provide that no person under the age of sixteen years shall be committed to penal institutions where adult prisoners are confined, and we recommend accordingly."

The Fauteux Report emphasizes that this problem, as well as other problems of correctional reform in Canada, must have legislative action by the provinces as well as the federal government fully to reform the existing evil (see page 7 of the Report). This amendment is proposed in the knowledge that it is a partial remedy due to divided federal-provincial jurisdiction.

C-76.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-76.

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

First reading, May 11, 1967.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26519

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-76.

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

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

Short title.

1. This Act may be cited as the *Native Indian and Eskimo Arts and Crafts Act.*

Establishment of Native Cultural Council.

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

Members of the Council.

3. (1) The Chairman and Vice-Chairman of the Council shall be appointed for such terms, not exceeding five years each, as are fixed by the Governor in Council.

(2) At least five of the appointments shall be made from the Indian population of Canada and at least three of the appointments shall be made from the Eskimo population of Canada.

Objects and powers.

4. (1) The objects of the Council are to preserve and promote the arts and crafts of the Indians and Eskimos of Canada, and, in particular, but without limiting the generality of the foregoing, the Council may, in furtherance of its objects,

(*a*) assist, co-operate with and enlist the aid of organizations, the objects of which are similar to any of the objects of the Council;

Explanatory Note.

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

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

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

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

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

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

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

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

(*b*) provide, through appropriate organizations or otherwise, for grants, scholarships or loans to Indians and Eskimos for instruction, study or research in Indian or Eskimo arts or crafts;

(*c*) make awards to Indians and Eskimos for outstanding accomplishment in the Indian or Eskimo arts or crafts;

(*d*) arrange for and sponsor exhibitions, performances and publications of works in the Indian and Eskimo arts and crafts;

(*e*) exchange with other countries or organizations or persons therein knowledge and information respecting Indian and Eskimo arts and crafts;

(*f*) arrange for representation and interpretation of Indian and Eskimo arts and crafts in other countries; and

(*g*) grant a certificate to any person, subject to terms, conditions and royalties, approving the importation into Canada of any thing passing or capable of passing in the opinion of the Council as native Indian or Eskimo art or craft.

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

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

By-laws.

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

Meetings of Council.

6. The Council shall meet at least three times a year in the City of Ottawa on such days as are fixed by the Council and at such other times and places as the Council deems necessary.

Not agent of Her Majesty.

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

Donations.

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

Offense.

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

C-77.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-77.

An Act to amend the Parliamentary Secretaries Act.

First reading, May 11, 1967.

Mr. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25865

Second Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-77.

An Act to amend the Parliamentary Secretaries Act.

1959, c. 15.

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

Long title.

1. The long title of the *Parliamentary Secretaries Act* is repealed and the following substituted therefor:

"An Act to provide for the Appointment of Parliamentary Assistants to Ministers."

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

Short title.

"**1.** This Act may be cited as the *Parliamentary Assistants Act.*"

3. Sections 2, 3, 4, 5 and 6 of the said Act are repealed and the following substituted therefor:

Appointment of Parliamentary Assistants.

"**2.** (1) The Governor in Council may appoint one or more members of the House of Commons to be Parliamentary Assistant or Assistants to a Minister.

Maximum number.

(2) Not more than sixteen Parliamentary Assistants shall hold office at any one time.

Tenure.

(3) A Parliamentary Assistant shall be appointed to hold office during pleasure, but he shall cease to hold office as such when he ceases to be a member of the House of Commons.

Duties.

3. The Parliamentary Assistant or Assistants to a Minister shall assist the Minister in such manner as the Minister directs.

Explanatory Notes.

The purpose of this Bill is to change the title of the Act to Parliamentary Assistants Act and to provide for the change of name of Parliamentary Secretary to Parliamentary *Assistant* in each section where such title appears; also to provide for change of tenure of Parliamentary *Assistant* from appointment for twelve months as provided for at present in subsection (3) of section 2 to appointment during pleasure.

Salary.

4. (1) A Parliamentary Assistant shall be paid a salary at the rate of four thousand dollars per annum.

Instalments.

(2) The salary of a Parliamentary Assistant under this Act shall be paid out of the Consolidated Revenue Fund and shall be paid in monthly instalments on the last day of each month.

Travelling and other expenses.

5. The Governor in Council may make regulations providing for the payment to a Parliamentary Assistant of reasonable travelling and other expenses,

(*a*) incurred by him in the discharge of his duties during a session of Parliament while away from Ottawa, or

(*b*) incurred by him in the discharge of his duties while away from his ordinary place of residence during a period when Parliament is not in session.

No disqualification.

6. A person is not rendered ineligible to be a member of the House of Commons or disqualified from sitting or voting therein by reason of his accepting or holding the office of Parliamentary Assistant or receiving any payment under this Act."

C-78.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-78.

An Act to amend the Broadcasting Act (Political Programs).

First reading, May 11, 1967.

Mr. HARLEY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26347

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-78.

An Act to amend the Broadcasting Act (Political Programs).

1958, c. 22.

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

1. Subsection (1) of section 17 of the *Broadcasting Act* is repealed and the following substituted therefor:

Political programs.

"**17.** (1) A licensee shall not broadcast any program, advertisement or announcement of a partisan political character

(*a*) in dramatized form, or,

(*b*) on any of two consecutive days when an election is held on the second such day to elect a member to the House of Commons, a provincial legislature or a municipal corporation,

(i) concerning any person candidated for such election, or

(ii) intended to be received by the public within the electoral district either directly or through the medium of relay stations."

Explanatory Notes.

The purpose of this Bill is to revise the subsection of the *Broadcasting Act* that relates to partisan political broadcasts. The present subsection is as follows:

> "17. (1) No licensee shall
>
> (a) broadcast in dramatized form any program, advertisement or announcement of a partisan political character, or
>
> (b) broadcast a program, advertisement or announcement of a partisan political character on any day that an election is held for the election of a member of the House of Commons, the legislature of a province or the council of a municipal corporation, or on the two days immediately preceding any such day."

This section was carried over from the *Canadian Broadcasting Act*. When it was considered by the House in committee on the 26th August 1958, the responsible Minister then said:

> "I do not know how many hon. members know this, but under the C.B.C. regulations as they apply today if there happens to be a town council by-election in Wolfville or Port Alberni, then the C.B.C. is not supposed to broadcast political programs for three days prior to that by-election although there may be a provincial general election in Ontario. That is the existing regulation which has application to federal, provincial or municipal elections. The thing is just silly."
>
> —*Hansard, 1958, vol. iv, pp. 4115-6.*

The Minister suggested, at p. 4117, that rather than cope with amending the provision at the moment, the old sections concerning political broadcasting be continued in the new Act and that they be referred for reform to a House elections committee, to be set up, which could recommend a solution to the whole problem in the succeeding year.

Clause 1: The whole of subsection (1) is redrafted for clarity although only paragraph (*b*) is changed. The existing provision prohibits any partisan political broadcasts for three days when an election at any of the three levels of government is held. The revised clause continues this prohibition insofar as referring to any candidate is concerned but permits other partisan political broadcasts except those intended to be received by the public within the electoral district: that is, by stations whose license permits a normal broadcasting range which penetrates the electoral area. The phrase, "intended to be received by the public either directly or through the medium of relay stations", is taken from the definition of "broadcasting" in section 21(*a*) of the Act.

C-79.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-79.

An Act to amend the Supreme Court Act (Payment of Costs).

First reading, May 11, 1967.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26555

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-79.

An Act to amend the Supreme Court Act (Payment of Costs).

R.S., cc. 259, 335; 1956, c. 48.

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

1. Section 48 of the *Supreme Court Act* is amended by adding thereto the following subsection:

Costs to person handling his own case.

"(2) When the Court, in its discretion, orders the payment of the costs to one party, that party, if he has handled his case personally, will be entitled to the costs that a lawyer acting in his behalf would have been entitled to."

Explanatory Notes.

Under our system of law, every person has the right to appear in person before the courts of justice and tribunals and to handle his case personally.

However, if a decision is rendered in his favour, he may, perhaps, not be able to be reimbursed his costs, disbursements and reasonable expenses in the same manner as if he were a lawyer handling his own case.

The purpose of this Bill is to provide that in the Supreme Court of Canada, which is the keystone of our judicial system, the private individual who, after having pleaded his own case, is awarded his costs, will be entitled to the same costs as a lawyer handling his case.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-80.

An Act respecting the National Fruit of Canada.

First reading, May 11, 1967.

Mr. HARLEY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26531

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-80.

An Act respecting the National Fruit of Canada.

Preamble.

WHEREAS the McIntosh Apple is a variety which originated and was developed in Canada, and is known and enjoyed throughout this and many other countries of the world; and

WHEREAS the McIntosh Apple is the fruit variety best known to all Canadians, and available to them at all times of the year;

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

Short Title.

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

The National Fruit of Canada.

2. The McIntosh Apple, as grown in this country, is hereby designated the National Fruit of Canada.

Explanatory Notes.

The McIntosh Apple, one of the world's most popular varieties, originated in Canada. Grown in all commercial apple producing areas of Canada, it is well and favourably known in many homes around the world.

The McIntosh Apple is a part of the history of Canada. To understand this, one must go back to early settlement days. Towards the end of the 18th century, John McIntosh, migrated to Canada. About 1811 he found twenty wild apple seedlings on land granted to him at Dundela, Ontario. One he recognized as strikingly superior in all respects. Authorities believe it grew from seed planted by an earlier settler from Lower Canada. Propagation from this tree has resulted in millions of McIntosh trees spread throughout the world, every one a direct descendant of that original Canadian discovery.

The McIntosh Apple is enjoyed for its edibility whether fresh or cooked. With the aid of modern storage methods, it is now available in its fresh form twelve months of the year.

For these reasons and on the supporting recommendation of the Canadian Horticultural Council, it is proper that the McIntosh Apple be recognized officially by Parliament as the National Fruit of Canada.

C-81.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-81.

An Act to amend the Canada Labour (Standards) Code (Notice and Payment to Employees in case of Discharge or Lay-off).

First reading, May 11, 1967.

Mr. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26707

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-81.

An Act to amend the Canada Labour (Standards) Code (Notice and Payment to Employees in case of Discharge or Lay-off).

1964-65, c. 38; 1966-67, c. 59.

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

1. The *Canada Labour (Standards) Code* is amended by adding thereto immediately after Part IVA thereof, the following Part:

"PART IVB

NOTICE AND PAYMENT TO EMPLOYEE IN CASE OF DISCHARGE OR LAY-OFF

Notice of termination of employment or lay-off.

34E. Where an employee has been in the service of his employer continuously for three months or more, the employer shall not

(*a*) discharge the employee, unless for just cause other than shortage of work; or

(*b*) lay off the employee;

without having given the employee at least two weeks' written notice of termination of employment or of lay-off.

Payment to employee.

34F. (1) Where, pursuant to written notice as required by section 34E, an employer discharges or lays off an employee to whom that section applies, he shall pay to the employee, in respect of the period of the notice, the sum earned by the employee during that period or a sum equivalent to the employee's normal wages for two weeks exclusive of overtime, whichever is the greater.

Explanatory Note.

The purpose of this Bill is to write into the federal Labour Code a provision requiring employers to give at least two weeks' notice before discharging or laying off an employee. It also requires payment of normal wages for the period of notice.

Idem.

(2) Where an employer, contrary to section 34E, discharges or lays off an employee without having given the notice required by that section, he shall pay to the employee, in respect of the two weeks that would constitute the minimum period of notice, a sum equivalent to the employee's normal wages for two weeks exclusive of overtime.

Computation of wages.

(3) Where the wages of the employee mentioned in subsection (1) or subsection (2), exclusive of payment for overtime, varied during the course of his employment, his normal wages for two weeks shall, for the purposes of those subsections, be computed on the basis of his average wages, exclusive of any payment for overtime, for the four weeks he worked immediately preceding the date on which notice of termination of employment or lay-off was given or, where such notice was not given, for the four weeks immediately preceding the date on which he was discharged or laid off.

Saving.

34G. Nothing in section 34E or in section 34F affects any provision in a contract of service, in a collective agreement, or in any recognized usage, by virtue of which an employee is entitled to more than two weeks' notice of termination of employment or of lay-off or to more favourable compensation in respect of the period of any such notice than is provided for by section 34F.

Notice of intention to terminate.

34H. An employee who has been in the service of his employer continuously for three months or more shall, at least two weeks before terminating his employment with that employer, notify his employer of his intention to terminate his employment."

Coming into force.

2. This Act shall come into force on the first day of January, 1968.

C-82.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-82.

An Act to amend the Canada Pension Plan (Housewives' contributions and benefits).

First reading, May 11, 1967.

Mr. SALTSMAN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26491

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-82.

An Act to amend the Canada Pension Plan (Housewives' contributions and benefits).

1964-65, c. 51.

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

1. Paragraph (*q*) of subsection (1) of section 2 of the *Canada Pension Plan* is repealed and the following substituted therefor:

"Employment."

"(*q*) "employment" means the performance of services under an express or implied contract of service or apprenticeship, and includes the tenure of an office and the occupation of housewife."

2. The said Act is further amended by inserting immediately after section 10 thereof, the following section:

Contribution by housewife.

"**10A.** Commencing with the year 1966, every housewife who is not, or is no longer employed outside her home but is occupied entirely as a housewife, may contribute any amount of her choice up to the maximum provided in this Act, as if her contribution was the joint contribution of employer and employee."

Explanatory Notes.

The purpose of this Bill is to enable housewives to make contributions to and collect benefits from the *Canada Pension Plan.*

Since many housewives spend part of their careers working in industry as well as working at home, they should be permitted to continue their contributions to the *Canada Pension Plan* while at home to ensure them a full pension at retiring age.

The Bill recognizes the equal importance of work performed at home with the work performed in industry and provides housewives with the same pension opportunities.

The plan is voluntary and housewives are designated as self-employed contributors paying the contribution of the employee as well as of the employer at the rate of their choice up to the maximum.

It is hoped that the Government at some time in the future could recognize the importance of the housewife's work contribution to the economy of the Nation and make some payment towards a housewife pension as would an employer.

C-83.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-83.

An Act respecting Royal Assent.

First reading, May 11, 1967.

Mr. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26229

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-83.

An Act respecting Royal Assent.

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 *Royal Assent Act*.

Royal assent.

2. The assent of Her Majesty to any Bill passed by the Houses of Parliament may be declared by Her Majesty, or by the Governor General or by a deputy of the Governor General duly appointed,

(*a*) by pronouncement thereof in the Senate in the presence of both Houses of Parliament in the form and manner customary before the passing of this Act; or

(*b*) by endorsement on the official parchment copy of the Bill signed by the Clerks of both Houses and by proclamation of the Governor in Council, in which case notification of such assent by endorsement and proclamation shall be given to each House of Parliament, sitting separately, by the Speaker or acting Speaker of that House, at the next sitting of such House.

Assent immediately prior to prorogation.

3. Notwithstanding anything in section 2, the assent of Her Majesty to any Bill passed by the Houses of Parliament to which such assent has not been given previous to the day on which Parliament is prorogued shall be given only by pronouncement thereof in the Senate immediately prior to such prorogation in the presence of both Houses of Parliament in the form and manner customary before the passing of this Act.

Explanatory Notes.

The practice of Royal Assent by attendance of the Commons in the chamber of the Upper House had genuine significance when the Monarch attended for such purpose.

Today, in the United Kingdom, the Monarch never attends and in Canada, Royal Assent is given by whatever justice of the Supreme Court of Canada is not otherwise engaged. The value of the ceremony has disappeared and the attendance of the Commons in the Senate Chamber for this purpose has become a useless and archaic action. At times, it is a nuisance to both Chambers.

With the approval of Her Majesty the Queen, legislation is now being considered by the Parliament at Westminster to provide an alternative procedure of Royal Assent by letters patent under the Great Seal, provided that Royal Assent at the time of prorogation shall be in the customary form. Its enactment is expected in the near future.

This Bill would achieve for the Canadian Parliament what is proposed with the approval thereof of Her Majesty the Queen for the Parliament of the United Kingdom.

Clause 2 would enable Royal Assent to be given by alternative means, either by the customary pronouncement thereof in the Senate Chamber in the presence of the two Houses, or by endorsement and proclamation, in which latter case, notification would be given to each House by the Speaker or acting Speaker at its next sitting.

Clause 3 would preserve the traditional ceremony of Royal Assent at the time of prorogation.

C-84.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-84.

An Act to secure freedom of choice in television viewing (Grey Cup).

First reading, May 11, 1967.

Mr. McCleave.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26351

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-84.

An Act to secure freedom of choice in television viewing (Grey Cup).

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

Telecast of Grey Cup game.

1. The Board of Broadcast Governors shall direct that the Grey Cup football game shall be telecast live by only one of the national television networks in Canada.

Board to choose network.

2. The Board of Broadcast Governors shall convene a meeting of senior officials of all television networks operating within Canada, and shall choose the network which shall telecast live the Grey Cup football game after said meeting, the said decision to be based on the widest possible coverage.

Arrangements.

3. The Board of Broadcast Governors is hereby empowered to make arrangements on equitable terms whereby stations or satellites of stations belonging to the network which does not telecast live the Grey Cup football game shall become part of the network telecasting such game, during the period of such telecast, for the purpose of providing coverage for areas which would otherwise not receive the telecast of said game.

Explanatory Notes.

The purpose of this Bill is to give millions of Canadians an alternative choice during the hours of telecasting of the Grey Cup football game.

In the past, there has been simultaneous telecasting on both the Canadian Broadcasting Corporation and the Canadian Television networks, involving the same announcers and camera shots, and the same commercials.

C-85.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-85.

An Act to establish the Canada Law Reform Commission.

First reading, May 11, 1967.

Mr. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25857

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-85.

An Act to establish the Canada Law Reform Commission.

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

Short title.

1. This Act may be cited as the *Canada Law Reform Commission Act.*

Establishment of the Canada Law Reform Commission.

2. For the purpose of promoting the reform of the law within the jurisdiction of the Parliament of Canada, a Commission is hereby established to be known as the Canada Law Reform Commission, in this Act called the "Commission", consisting of a Chairman and not more than four other members to be appointed by the Governor in Council.

Qualifications of members.

3. (1) The persons appointed to be members of the Commission shall be suitably qualified by the holding of judicial office, or by experience as a barrister, advocate, solicitor or notary or as a teacher of law in a University.

Tenure of office.

(2) The Chairman shall hold office during pleasure and each of the other members of the Commission shall be appointed to hold office for a term of four years, except that of those first appointed, one may be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years.

Eligibility of retiring member.

(3) A retiring member of the Commission shall be eligible for re-appointment to the Commission.

Quorum.

(4) Three members of the Commission constitute a quorum of the Commission, and a vacancy in the membership of the Commission does not impair the right of the remainder to act.

Explanatory Notes.

The purpose of this measure is to create a Canada Law Reform to promote the reform of the law within the jurisdiction of Parliament.

As this is a private member's Bill, no money is provided for the salaries and expenses of the Chairman and members of the Commission.

It is hoped, if the suggested proposition is favorably received by the House, the Government might introduce a similar measure providing for such expenditures as would make the plan better operative.

Duties of the Commission.

4. It shall be the function and duty of the Commission to take and keep under review all the law within the jurisdiction of the Parliament of Canada with a view to its systematic development and reform, including in particular the codification of rules of law, the elimination of anomalies and injustices, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernization of the law, and for that purpose:

(*a*) to receive, study and report upon any proposals for the reform of the law within the jurisdiction of the Parliament of Canada which may be made or which may be referred to them by the Minister of Justice or the Solicitor General;

(*b*) to initiate and undertake programmes for the examination of various branches of the law within the jurisdiction of the Parliament of Canada and to formulate and present, by means of draft bills or otherwise, proposals for reform therein;

(*c*) to provide assistance, at the request of the Minister of Justice or of the Solicitor General, to government departments or other authorities concerned with proposals for the reform or amendment of any branch of the law within the jurisdiction of the Parliament of Canada;

(*d*) to report upon any subject which may be referred to the Commission by the Minister of Justice or the Solicitor General.

Appointment of Officers.

5. The Commission may appoint a secretary and such research staff or other officers and employees as may be necessary for the proper conduct of the work of the Commission and may prescribe the duties of such persons.

Saving.

6. A person who holds judicial office may be appointed Chairman of or a member of the Commission without relinquishing such judicial office.

Report to the Minister of Justice.

Report to Parliament.

7. The Commission shall, before the 31st day of March of each year, submit to the Minister of Justice, a report of all proceedings under this Act for the preceding calendar year, and the Minister of Justice shall cause such report to be laid before Parliament within fifteen days after the receipt thereof, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-86.

An Act concerning the labeling of hazardous household products.

First reading, May 11, 1967.

Mr. HOWE (*Hamilton South*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26423

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-86.

An Act concerning the labeling of hazardous household products.

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 *Hazardous Household Products Labeling Act.*

Interpretation.

2. In this Act,

(*a*) "household product" means a substance or mixture of substances in the nature of a detergent or other cleaning product intended to clean any object or thing in a house;

(*b*) "Minister" means the Minister of National Health and Welfare.

Imperative labeling.

3. No person shall sell, offer for sale, expose for sale, have in possession for sale, or distribute a household product that may be hazardous to health, if accidentally ingested or inhaled or misused or even if used for the purposes it is intended for, unless it is stated on a label fixed to the said household product that it is a potentially dangerous substance.

Administration and regulations.

4. The Minister shall be in charge of the administration of this Act and the Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, in particular, but not so as to restrict the generality of the foregoing, may make regulations declaring that a household product constitutes a danger for health.

Explanatory Notes.

Many household products in the nature of detergents are used every day by housewives and many of them do constitute a danger to health if ingested or inhaled accidentally by children or even if used for the purposes they are intended for.

It is advisable, in the circumstances, that the said products be labeled as hazardous to health.

Penalty.

5. Every person who violates any of the provisions of this Act or the regulations made thereunder is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-87.

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

First reading, May 11, 1967.

Mr. THOMAS
(*Middlesex West*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26487

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-87.

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

1959, c. 46; 1960, c. 9; 1960-61, c. 52; 1963, c. 41, s. 5; 1966-67, c. 25, s. 41; c. 69, s. 94.

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

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

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

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

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

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

"**77.** (1) Except a drain used to drain land that for the purpose of municipal assessment is classed as a farm, market garden, or nursery, no highway, private road, railway, irrigation ditch, drain, drainage ditch, sewer, telegraph, telephone line or line for the transmission of hydrocarbons, power or any other substance shall, except by leave of the Board, be carried across, along, upon or under any pipe line."

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

> "**77.** (1) No highway, private road, railway, irrigation ditch, drain, drainage ditch, sewer, telegraph, telephone line or line for the transmission of hydrocarbons, power or any other substance shall, except by leave of the Board, be carried across, along, upon or under any pipe line.
>
> (2) Upon application for leave, the Board may grant the application in whole or in part and upon such terms and conditions as the Board considers proper."

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

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

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-88.

An Act to amend the Criminal Code (Nuisance).

First reading, May 11, 1967.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26559

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-88.

An Act to amend the Criminal Code (Nuisance).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20. 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, cc. 37, 45; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10, cc. 35, 53.

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

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

Discharging noxious matter into interprovincial water.

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

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

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

Explanatory Note.

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

C-89.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-89.

An Act to amend the Supreme Court Act.

First reading, May 11, 1967.

Mr. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25853

Second Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-89.

An Act to amend the Supreme Court Act.

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

R.S., cc. 259, 335; 1956, c. 48.

1. Section 7 of the *Supreme Court Act* is repealed and the following substituted therefor:

No other office to be held.

"**7.** No judge shall hold any other office of emolument either under the Government of Canada or under the government of any province of Canada, or act as a Commissioner under the *Inquiries Act* or under any other statute or law, and no judge shall have any occupation, perform any service or belong to any organization which might involve him in controversy of a political nature."

R.S., c. 154.

Explanatory Note.

The purpose of this Bill is two-fold: first, to prohibit any justice of the Supreme Court of Canada from acting as a Commissioner under the *Inquiries Act:* and secondly, to prevent any such justice from undertaking any other service, unrelated to his judicial duties, as a result of which he might become involved in political controversy.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-90.

An Act to amend the Public Service Employment Act. (Appeal Panel).

First reading, May 11, 1967.

Mr. BELL (*Carleton*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

25849

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-90.

An Act to amend the Public Service Employment Act. (Appeal Panel).

1966-67, c. 71.

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 *Public Service Employment Act* is repealed and the following substituted therefor:

Appeal to the Commission.

"**21.** (1) Where a person is appointed or is about to be appointed under this Act and the selection of the person for appointment was made from within the Public Service

(*a*) by closed competition, every unsuccessful candidate, or

(*b*) without competition, every person whose opportunity for advancement, in the opinion of the Commission, has been prejudicially affected,

may, within such period as the Commission prescribes, appeal against the appointment to the Commission.

Appeal Boards.

(2) Where an appeal is made to the Commission, the Commission may

(*a*) allow the appeal, or

(*b*) refer the appeal to a Board consisting of not fewer than three persons nominated by the Commission from members of the Appeal Panel constituted as hereinafter provided.

Appeal Panel.

(3) The Governor in Council shall establish and appoint an Appeal Panel of not fewer than twelve nor more than twenty-four persons who are qualified to act as members of Appeal Boards.

Vacancies.

(4) Vacancies in the Appeal Panel shall be filled from time to time as they occur.

Explanatory Notes.

The purpose of this Bill is to provide for appeals, the constitution of appeal boards and the establishment of an Appeal Panel composed of members who do not belong to the public service, from which three persons nominated by the Civil Service Commission shall constitute an Appeal Board.

Not to be members of public service.

(5) Persons appointed to the Appeal Panel shall not be members of the public service or associated in any way therewith, but shall be appointed on the basis of knowledge of personnel management, impartiality or judicial aptitude.

Objection.

(6) If an employee appealing objects to any member of the Board appointed by the Commission to hear the appeal, he may apply, on summary application to the President of the Exchequer Court of Canada for an order removing such person from the Board and substituting for him any other member of the Appeal Panel chosen by the President of the Exchequer Court of Canada and the decision of the said President shall be final and binding upon all parties.

Right to be heard.

(7) On any appeal, the person appealing, the deputy head concerned or any member of the Commission, or their representatives shall be given full opportunity to be heard.

Duties of Commission upon notification.

(8) The Board shall notify the Commission of its decision and upon being so notified, the Commission shall

(*a*) if the appointment has been made, confirm or revoke the appointment, or

(*b*) if the appointment has not been made, make or not make the appointment,

accordingly as the decision of the Board requires."

C-91.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-91.

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

First reading, May 11, 1967.

Mr. PETERS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26571

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-91.

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

1958, c. 22.

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

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

"Broadcasting."

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

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

"Broadcasting."

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

Explanatory Note.

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

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

C-92.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-92.

An Act to amend the Criminal Code (Cruelty to Animals and to Human Beings).

First reading, May 11, 1967.

Mr. KLEIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26639

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, c. 41; 1960, c. 37; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

BILL C-92.

An Act to amend the Criminal Code (Cruelty to Animals and to Human Beings).

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

1. The heading immediately preceding section 387 and the said section 387 of the *Criminal Code* are repealed and the following substituted therefor:

"CRUELTY TO ANIMALS AND TO HUMAN BEINGS.

"**387.** (1) Every one commits an offence who

Causing unnecessary suffering.

(*a*) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or bird.

Causing injury by negligence.

(*b*) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed,

Abandoning.

(*c*) being the owner or the person having the custody or control of a domestic animal or bird or an animal or bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it,

Baiting.

(*d*) in any manner encourages, aids or assists at the fighting or baiting of animals, birds or human beings,

Poisoning.

(*e*) wilfully, without reasonable excuse, administers a poisonous or injurious drug or substance to a domestic animal or bird or an animal or bird wild by nature that is kept in captivity or being the owner of such an animal or bird, wilfully permits a poisonous or injurious drug or substance to be administered to it, or

Explanatory Notes.

The only change in section 387 consists in the addition of the words "or human beings" (underlined on the opposite page) at the end of paragraph (*d*) of subsection (1).

The object of this proposed amendment is to extend to human beings the protection now extended to animals.

Field trials.

(*f*) promotes, arranges, conducts, assists in, receives money for, or takes part in a meeting, competition, exhibition, pastime, practice, display, or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the purpose of being shot when they are liberated, or

(*g*) being the owner, occupier, or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph (*f*).

Punishment.

(2) Every one who commits an offence under subsection (1) is guilty of an offence punishable on summary conviction."

C-93.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-93.

An Act to amend the Criminal Code (Punishment for Murder).

First reading, May 11, 1967.

Mr. KLEIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26627

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-93.

An Act to amend the Criminal Code (Punishment for Murder).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40; 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53. 1966-67, c. 23, c. 25, s. 45.

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

1. Section 206 of the *Criminal Code* is repealed and the following substituted therefor:

Punishment for capital murder.

Minimum punishment.

Punishment for non-capital murder.

Person under 18 years of age.

"**206.** (1) Every one who commits capital murder is guilty of an indictable offence and is liable to be sentenced to death or to imprisonment for life.

(2) For the purposes of Part XX, the sentence of imprisonment for life prescribed by subsection (1) of this section is a minimum punishment.

(3) Every one who commits non-capital murder is guilty of an indictable offence and is liable to imprisonment for life.

(4) Notwithstanding subsection (1), a person who appears to the court to have been under the age of eighteen years at the time he committed a capital murder shall not be sentenced to death upon conviction therefor but is liable to imprisonment for life."

Explanatory Notes.

At present, when a person commits capital murder the law provides that such person shall be sentenced to death. In other words, if a person is found guilty of capital murder the judge has no alternative but to impose the death penalty. The purpose of the change suggested is to allow the judge a certain discretion in the case of capital murder and to provide that if a sentence of imprisonment for life is imposed it shall be a minimum punishment.

In the case of non-capital murder, where at present a person must be sentenced to imprisonment for life, as a minimum sentence, such person could, by virtue of the proposed amendment, receive a lesser sentence at the discretion of the judge.

As provided in subsection (4) a person who appears to have been under the age of eighteen years at the time he committed a capital murder could be sentenced to imprisonment for life or to a shorter period of imprisonment.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-94.

An Act to amend the Criminal Code (Publication of ingredients of wonder drugs).

First reading, May 11, 1967.

Mr. KLEIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

1953–54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957–58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960–61, cc. 21, 42, 43, 44; 1962–63, c. 4; 1963, c. 8; 1964–65, c. 22, s. 10 and cc. 35, 53. 1966-67, c. 23, c. 25 s. 45.

BILL C-94.

An Act to amend the Criminal Code (Publication of ingredients of wonder drugs).

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

1. The *Criminal Code* is amended by inserting immediately after section 306 thereof the following section:

Failure to reveal ingredients of a new drug or serum.

"**306A.** Every one who renders public the discovery of a drug or serum, for which curative effects for diseases including diseases now deemed to be terminal are claimed, or causes a press release to be issued or gives interviews to the press, claiming curative effects for such drug or serum, without first revealing all the ingredients of such drug or serum to the National Research Council of Canada, in order that a full and proper and adequate test be made by the said Council, is guilty of an offence punishable on summary conviction."

Explanatory Note.

The purpose of this Bill is to prohibit communication to the public of the curative effects of new drugs or wonder drugs so-called or serums, without first revealing to the National Research Council of Canada all the ingredients of such drugs or serums, in order that proper and adequate tests be made for the protection of the public.

C-95.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-95.

An Act to amend the Criminal Code
(Elimination of premium stamps in food establishments).

First reading, May 11, 1967.

Mr. KLEIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-95.

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

An Act to amend the Criminal Code (Elimination of premium stamps in food establishments).

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

1. The *Criminal Code* is amended by inserting immediately after section 369 the following section:

Premium stamps.

"**369A.** (1) No merchant or dealer in goods shall establish or deal directly or indirectly with a system or practice of issuing or offering stamps on the occasion of the sale of goods in any food establishment that are intended to be redeemable for premiums, gifts or other objects of the same nature.

Penalty.

(2) Everyone who fails to comply with this section is guilty of an offence punishable on summary conviction and is liable to a fine of not less than one hundred dollars for each day of default."

Explanatory Note.

The object of this Bill is to eliminate the practice whereby super-markets issue stamps referred to in the trade as Gold Stamps, Green Stamps or Pink Stamps, redeemable in merchandise other than food-stuffs, which has for effect the elimination of competition of food prices between super-markets, makes for captive customers, and adds to the cost of food items, to the detriment of the public.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-96.

An Act respecting observation and treatment of drug addicts.

First reading, May 11, 1967.

Mr. KLEIN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-96.

An Act respecting observation and treatment of drug addicts.

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 *Drug Addicts Protection Act.*

Protection of drug addicts.

2. Notwithstanding anything contained in the *Criminal Code*, in the *Food and Drugs Act*, or any other Act of the Parliament of Canada,

(*a*) the case of every drug addict shall be referred by the proper authority to the Attorney General of the province in which he resides, or, if he resides in the province of Quebec, to the Minister of Justice of that province;

(*b*) it shall be the duty of such Attorney General or of the said Minister of Justice, as the case may be, to establish whether a drug addict is undergoing medical treatment for a mental illness or disorder, or is otherwise being treated, and, in the absence of such treatment, to refer such person to a psychiatric clinic, or a suitably qualified medical practitioner for the observation and treatment which the said clinic or medical practitioner deems necessary;

(*c*) it shall be within the discretion of the Judge or Magistrate before whom a drug addict is appearing to decide whether the charge already laid against him shall be proceeded with.

Explanatory Notes.

Developments in the fields of medicine and psychiatry tend to establish that drug addiction, when it occurs, results from some type of mental illness or disorder. It does not appear to be any longer appropriate to punish persons who are drug addicts; it is rather advisable to treat the said persons as being sick, mentally or otherwise.

The purpose of this Bill is to remove the stigma of a criminal conviction attached to drug addiction and to protect the public and such persons from possible subsequent addiction by assuring that observation and treatment follow the laying of charges.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-97.

An Act to amend the Navigable Waters Protection Act (Removal of Kitsilano Trestle).

First reading, May 11, 1967.

Mr. BASFORD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-97.

An Act to amend the Navigable Waters Protection Act (Removal of Kitsilano Trestle).

R.S., c. 193; 1953-54, c. 37; 1956, c. 41.

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

1. Section 5 of the *Navigable Waters Protection Act* is amended by adding thereto the following subsection:

Removal of Kitsilano Trestle.

"(4) The railway bridge located in False Creek in the City of Vancouver and spanning the said creek between Burrard Street and Granville Street and commonly referred to as the Kitsilano Trestle, and being part of the branch lines of the Canadian Pacific Railway Company, as mentioned in section 5, chapter 56 of Statutes of 1887, shall for the purposes of this Act be deemed a work built or placed upon a site not approved by the Governor in Council, notwithstanding the provisions of any other Act or statute of the Parliament of Canada."

Explanatory Notes.

The C.P.R. Kitsilano Trestle or railway bridge crossing False Creek in Vancouver is a serious hazard to navigation and is effectively preventing the development of potentially prime industrial land. As the construction of this railway bridge was never properly approved, the purpose of this Bill is to declare the Kitsilano Trestle an unlawful work for purposes of the *Navigable Waters Protection Act* and hence subject to removal by the Minister of Public Works at the expense of the C.P.R.

It is difficult to establish the early history of the bridge because some of the records of the Department of Public Works and the Department of Marine were destroyed in the West Block fire of 1897. It is clear, however, that the first bridge was constructed in 1886 after Sir Joseph Trutch, acting as the agent of the Government of Canada, reported on the type of structure that should be allowed. The only "authority" the C.P.R. had, that had any colour of approval, was a letter dated November 30, 1885, from William Smith, Deputy Minister of Marine to W. C. Van Horne, Vice-President of the C.P.R., which concluded: "The Department will approve of Mr. Trutch's recommendations being adopted if your Company is prepared to adopt them," and Mr. Van Horne's reply of December 9, 1885, saying: "In regard to the crossing of False Creek Inlet, English Bay, I beg to say that this Company will conform to the conditions named therein."

Neither the Department of Public Works nor the Department of Marine had authority to give such permission and no Order-in-Council was passed as required by chapter 37 of the Statutes of 1882.

In 1895 the first bridge had fallen into disrepair and was removed. In 1898 a second bridge was built, but the site thereof was not approved by Order-in-Council as required by chapter 35 of the Statutes of 1886, or section 2 of chapter 92 of the Revised Statutes of 1886, which reads as follows:

> "No bridge, boom, dam or aboiteau shall be constructed so as to interfere with navigation, unless the site thereof has been approved by the Governor in Council, and unless such bridge, boom, dam or aboiteau is built and maintained in accordance with plans approved by the Governor in Council."

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-98.

An Act to amend the Navigable Waters Protection Act (Prevention of water pollution)

First reading, May 11, 1967.

Mr. BASFORD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-98.

An Act to amend the Navigable Waters Protection Act (Prevention of water pollution)

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

R.S., c. 193; 1953-54, c. 37. 1956, c. 41.

1. The *Navigable Waters Protection Act* is amended by inserting therein, immediately after section 15 thereof, the following section:

If vessel, etc., not an obstruction to navigation.

"**15A.** When any vessel, cargo, or other thing is wrecked, sinking, lying ashore or grounded in navigable waters and is not an obstruction to navigation but is causing water pollution, or constitutes a danger to waterfowl or marine life, or is detrimental to the enjoyment of coastal property, the Minister may order the owner of such vessel, cargo or other thing to begin forthwith and prosecute diligently to completion, the removal or destruction thereof and may, in case of default, order such removal or destruction in such manner and by such means as he thinks fit."

Explanatory Notes.

The Auditor General's Report for the year 1965 (at pages 82 and 83) relates that "on March 5, 1964 a barge in tow with a cargo of oil sank in over 200 feet of water off Pasley Island in Howe Sound, B.C. Leaking oil fouled the beaches in the area....."

"The oil-laden barge remained a serious threat to water-fowl, marine life and coastal property and its removal was regarded as essential by the Department (of Transport). As the wreck was not a menace to navigation, there was no legislation under which the private interests involved could be held responsible for its removal or for costs if removal were undertaken by the Crown. Accordingly, the Department engaged salvage experts to investigate and report on the best means of dealing with the sunken barge."

The Auditor General concludes by saying that the total expense of the operation is expected to be at least $430,000.

The purpose of this bill is to place financial responsibility on the owners for the removal of a wreck or its cargo, in circumstances such as related above.

Section 16 of the *Navigable Waters Protection Act* already provides for recovery by Her Majesty from the owners of costs of removing wrecks, vessels or part thereof which are an obstacle to navigation it will now apply to wrecks, etc., which cause water pollution, or constitute a danger to water-fowl or marine life.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-99.

An Act to amend the Combines Investigation Act (Professional Sports).

First reading, May 11, 1967.

Mr. BASFORD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-99.

An Act to amend the Combines Investigation Act (Professional Sports).

R.S., c. 314; 1953-54, c. 51; 1960, c. 45; 1960-61, c. 42; 1962-63, c. 4; 1964-65, c. 35. 1966-67, c. 23, c. 25, ss. 38, 45.

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 32 of the *Combines Investigation Act* is amended by deleting the word "or" at the end of paragraph (*c*), adding the word "or" at the end of paragraph (*d*) and by inserting therein immediately after paragraph (*d*) the following:

"(*e*) to limit or restrain the opportunity in Canada of persons to participate in or observe any professional sport intended to operate, or likely to operate, to the detriment or against the interest of the public,"

Explanatory Notes.

The *Combines Investigation Act* only provides against any combine having relation to any commodity which may be the subject of trade and commerce. The purpose of this amendment is to bring the operation of professional sports within the provisions of the *Combines Investigation Act* so that persons operating a combine in any professional sport, which limited or restrained opportunity of players to participate or spectators to observe in such a way as to operate to the detriment or against the interest of the public, would be committing an offence under the *Combines Investigation Act.*

Professional sport has become big business in which the public has a very large interest. Recent statements and actions by some of those owning or operating professional sports leagues would appear to indicate that they are concerned only with their own financial welfare. This Act would provide that those who control by way of combination professional sports leagues, such as the National Hockey League, would have to act in the public interest whether they wanted to or not.

Subsection (1) of section 32 at present reads as follows:

"**32.** (1) Every one who conspires, combines, agrees or arranges with another person

(*a*) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article,

(*b*) to prevent, limit or lessen, unduly, the manufacture or production of an article, or to enhance unreasonably the price thereof,

(*c*) to prevent, or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of an article, or in the price of insurance upon persons or property, or

(*d*) to restrain or injure trade or commerce in relation to any article,

is guilty of an indictable offence and is liable to imprisonment for two years."

C-100.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-100.

An Act to amend the Canada Elections Act (Political Affiliations of Candidates on Ballot Papers).

First reading, May 11, 1967.

Mr. BASFORD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2. Subsection (1) of section 28 of the said Act is repealed and the following substituted therefor:

Ballot papers and their form.

"**28.** (1) All ballots shall be of the same description and as nearly alike as possible; the ballot of each elector shall be a printed paper, in this Act called a ballot paper, on which the names, addresses, occupations, political affiliations or interests of the candidates alphabetically arranged in the order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as such names, addresses, and occupations are set out in the heading of the nomination papers; each ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 35.

Written direction of leaders.

The name of the political party or interest represented by a candidate shall be shown in the manner required by the written direction, if any, of the recognized leader of such party, which shall be filed with the Returning Officer before five o'clock in the afternoon of nomination day: Provided that where the recognized leader of the political party or interest represented by a candidate does not file a written direction the name of that party shall be shown in the manner in which it appears on the nomination paper of the candidate."

Proviso.

2. The changes in subsection (1) of section 28 consist in the insertion therein of the words "political affiliations or interests", underlined on the opposite page and in the addition thereto of the new paragraph indicated by a vertical line.

Form amended.

3. The "*Front*" of Form No. 35 is repealed and the following substituted therefor:

"FORM No. 35.

FORM OF BALLOT PAPER. (Sec. 28.)

Front

DOE, WILLIAM R.,
636 POWER ST., OTTAWA,
BARRISTER.
(POLITICAL AFFILIATION.)

DOE, FRANK ARTHUR,
R.R. NO. 3, WESTBORO,
FARMER.
(POLITICAL AFFILIATION.)

DOE, JOSEPH,
EASTVIEW,
GENTLEMAN.
(POLITICAL AFFILIATION.)

DOE, JOHN THOMAS,
239 BANK ST., OTTAWA,
MERCHANT.
(POLITICAL AFFILIATION.)

3. The words "(Political affiliation)" are added to Form No. 35. This amendment is consequential.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-101.

An Act to amend the Canada Elections Act (Eighteen year old voters and candidates).

First reading, May 11, 1967.

Mr. BASFORD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-101.

An Act to amend the Canada Elections Act (Eighteen year old voters and candidates).

1960, c. 39; s. 115; 1963, c. 40, ss. 14 to 20; 1966-67, c. 25, s. 45.

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

Qualification of electors.

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

"(*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.

Qualification of candidates.

2. Paragraph (*c*) of section 19 of the said Act is repealed and the following substituted therefor:

(*c*) of the full age of eighteen years"

Schedule One forms amended.

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

Schedule Two and forms amended.

4. (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

Explanatory Notes.

The purpose of this Bill is to provide that the age of voters and candidates 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 2. This amendment would allow for the age of candidates to be reduced from twenty-one to eighteen.

Clause 4. (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.)

each case the words "eighteen years"; and the said subparagraph (1) of paragraph 36 is further amended by striking out the words "(except in the case referred to in subparagraph (2) of paragraph 21)" and the said Form No. 7 is further amended by striking out, at the end of the said Form, the words "Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules*.

Subparagraph repealed.

(2) Subparagraph (2) of paragraph 21 of the said Schedule is repealed.

C-102.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-102.

An Act to amend the Financial Administration Act (Truth in Receiving bill).

First reading, May 11, 1967.

Mr. BASFORD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-102.

An Act to amend the Financial Administration Act.
(Truth in Receiving bill).

R.S., c. 116; 1953-54, c. 28; 1955, c. 3; 1958, c. 31; 1960, c. 41, s. 16; 1960-61, c. 48; 1963, c. 3, s. 18, and c. 41, s. 2; 1966-67, c. 25, ss. 32, 33, c. 74.

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

1. The *Financial Administration Act* is amended by adding thereto, immediately after section 24 thereof, the following section:

"**24A.** (1) Subject to the *British North America Acts, 1867 to 1965*, but notwithstanding any provisions contained in any other Acts and notwithstanding that Parliament shall have authorized any such payment, no payment shall be made out of the Consolidated Revenue Fund pursuant to such appropriation to any province or municipality or agencies thereof unless the province or municipality or agencies thereof to which such payment is to be made first agree with the Minister of Finance to show and subsequently shows the receipt of such payment in the annual budgetary and financial statements and reports issued by the province, municipality or agencies thereof, to which such payment has been made for the fiscal year in which such payment shall have been made in such a manner as shall be approved by the Minister of Finance as showing in a manner satisfactory to him the payment from the Consolidated Revenue Fund.

(2) Subject to the *British North America Acts, 1867 to 1965*, but notwithstanding any provisions contained in any other Acts and notwithstanding that Parliament shall have authorized any such payment,

Explanatory Notes.

This bill is based on the principle that the taxpayers of the country have a right to know in clear, simple and understandable terms how, where, by whom and for what purposes their tax dollars are being spent. We now have a situation in which the Parliament of Canada has authorized the collection of vast sums of money, much of which is then paid out to provincial or municipal governments for essential local projects or welfare programmes. In many cases, the taxpayer is not aware of Canada's involvement in, or contribution to, these local projects or programmes. This is bad for Canada in that the important role of the Parliament and Government of Canada is not appreciated.

For example, few people in British Columbia or elsewhere in Canada realize that in the last few years the Government of Canada has been paying 75 per cent of the capital expenditures incurred by the provinces in the provision of vocational training facilities, or that the Government of Canada has paid more than 50 per cent of the costs incurred in building the Trans-Canada highway, or that the Government of Canada has paid between 35 and 40 per cent of the cost of building the British Columbia ferry system vessels.

This bill provides, in the event of federal payments to provinces or municipalities, that the provinces or municipalities will have to give due recognition for the federal contribution.

Clause 1: **24A.** (1) provides that the provinces or municipalities receiving payments from the Minister of Finance shall have to show the receipt of such payments in their annual budgetary and financial statements and reports;

(2) provides that the provinces or municipalities receiving payments from the Minister of Finance as a federal contribution towards specific programmes or public works projects, including the existing federal-provincial conditional grant and shared-cost programmes, shall have to show the amount and proportion of the federal contribution on all material issued in connection with the programmes or projects;

no payment shall be made out of the Consolidated Revenue Fund pursuant to such appropriation to any province or municipality or agencies thereof in support of, or by way of, contribution to any welfare or assistance programme, agricultural or urban renewal programme, educational programme, health programme, industrial or resources development programme, public work, building or undertaking, or without limiting the generality of the foregoing, any of the conditional grants and shared-cost programmes or federal programmes of assistance to provinces named in Schedule E, unless the province or municipality or agencies thereof to which such payment is to be made first agrees with the Minister of Finance to show and subsequently shows the receipt of such payment made in support of, or by way of contribution, to any such programme, public work, building or undertaking, in, or on, all financial statements, annual reports, advertisements, signs, billboards, plaques, cheques, pamphlets, brochures, application forms, or plans issued, published or erected, or to be issued, published or erected, in connection with such programme, work, building or undertaking, in such a manner as shall be approved by the Minister of Finance as showing to his satisfaction in a clear and understandable way, the proportion and amount of the contribution of Canada to the programme, work, building or undertaking towards which any such payment shall have been made.

(3) The provisions of subsections 1 and 2 shall apply in like manner to payments to be made by any Crown corporation, including the corporations named in Schedule B, Schedule C and Schedule D hereof, to any province or municipality or agencies thereof.

(4) In the event that any province or municipality or agencies thereof to which a payment has been made pursuant to subsections 1, 2 or 3, fails to comply after receipt of such payment with the provisions of subsections 1, 2 or 3 in a manner satisfactory to the Minister of Finance, the Minister of Finance may withhold from any monies payable, or to become payable by Her Majesty The Queen in Right of Canada, to such non-complying provinces, municipalities or agencies thereof, an amount equal to the amount of the payment made the showing of the receipt of which has not been complied with.

(5) The Minister of Finance may designate any Ministers or officers of any department or officers of any Crown corporation as persons authorized to act in his name as provided for in this section.

(3) makes the same provisions with regard to payments from Crown corporations to provinces or municipalities;

(4) provides a remedy in the event that the provinces refuse to give proper recognition of the federal payment;

(5) provides that the Minister of Finance may designate officials to act on his behalf;

(6) The Governor-in-Council shall make regulations for carrying the purposes and provisions of this section into effect.

2. The said act is further amended by adding thereto immediately after Schedule D thereof, the following schedule:

"Schedule E.

(*a*) Agriculture
(*b*) Centennial Observance
(*c*) Citizenship and Immigration
(*d*) Civil Defence
(*e*) Fisheries
(*f*) Fitness and Amateur Sport
(*g*) Forest Conservation
(*h*) Hospital Insurance and Diagnostic Services
(*i*) Municipal Winter Works Incentive Programme
(*j*) National Health Grants
(*k*) Public Works
(*l*) Roads and Transportation
(*m*) Technical and Vocational Training and Rehabilitation of Disabled Persons
(*n*) Tourist Facilities
(*o*) Water Conservation
(*p*) Welfare
(*q*) Atlantic Provinces Power Development
(*r*) Loans for Municipal Sewage Treatment Projects
(*s*) Loans for University Student Residences
(*t*) Ship Construction Assistance
(*u*) Municipal Loan and Development Funds."

(6) provides for the making of regulations.

Clause 2: provides for a schedule to the Act listing the specific areas of federal-provincial conditional grant and shared-cost programmes and federal programmes of assistance to provinces or municipalities to which the amendment applies.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-103.

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

First reading, May 11, 1967.

Mr. BASFORD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-103.

An Act to provide in Canada for the Dissolution 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*.

Jurisdiction.

2. Courts in those provinces of Canada now or hereafter having jurisdiction to grant a divorce *a vinculo matrimonii* shall have jurisdiction for all purposes of this Act.

Domicile.

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

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

Interpretation.

4. In this Act,

"petition" includes a cross-petition;

"petitioner" includes a cross-petitioner;

"proceedings" includes cross-proceedings; and

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

Explanatory Notes.

This Bill is to provide a law for the dissolution of marriage that will be applicable to all persons domiciled in Canada.

The provisions of the Bill will be administered by those provincial courts now exercising a divorce jurisdiction. Present provincial laws respecting alimony, guardianship and maintenance of children would continue. Present provincial matrimonial laws would also continue in existence but Parliament would retain its jurisdiction over divorce and nullity of marriage.

Grounds of dissolution.

5. 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:

Adultery.

(*a*) that, since the celebration of the marriage, the respondent has committed adultery; or

Desertion.

(*b*) that the respondent has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition; or

Cruelty.

(*c*) that the respondent has since the celebration of the marriage treated the petitioner with cruelty; or

Sexual offences.

(*d*) that, since the marriage, the respondent has committed rape, sodomy, or bestiality; or

Drunkenness and use of narcotics.

(*e*) that, since the marriage, the respondent has for a period of not less than three years

(i) been a habitual drunkard; or

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

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

Imprisonment.

(*f*) that, since the marriage, the respondent 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; or

Convictions for crime.

(*g*) that, since the marriage and within a period of one year immediately preceding the date of the filing of the petition, the respondent has been convicted:

(i) for attempting to murder or unlawfully to kill the petitioner; or

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

Mental illness.

(*h*) that the respondent is incurably of unsound mind and has been under care and treatment for a period of at least five years immediately preceding the presentation of the petition.

Enquiry by the court.

6. (1) On a petition for divorce it shall be the duty of the court to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the petitioner and whether any collusion exists between the parties and also to inquire into any countercharge which is made against the petitioner.

Decree of divorce.

(2) If the court is satisfied on the evidence that—

(*a*) the case for the petition has been proved; and

(*b*) where the ground of the petition is adultery, the petitioner has not in any manner been accessory to, or connived at, or condoned the adultery, or where the ground of the petition is cruelty the petitioner has not in any manner condoned the cruelty; and

(*c*) the petition is not presented or prosecuted in collusion with the respondent or either of the respondents;

the court shall pronounce a decree of divorce, but if the court is not satisfied with respect to any of the aforesaid matters, it may dismiss the petition:

Proviso.

Provided that the court shall not be bound to pronounce a decree of divorce and may dismiss the petition if it finds that the petitioner has during the marriage been guilty of adultery or if, in the opinion of the court, the petitioner has been guilty—

Unreasonable delay.

(i) of unreasonable delay in presenting or prosecuting the petition; or

Cruelty.

(ii) of cruelty towards the other party to the marriage; or

Desertion or separation.

(iii) where the ground of the petition is adultery or cruelty, of having without reasonable excuse deserted, or having without reasonable excuse wilfully separated himself or herself from, the other party before the adultery or cruelty complained of; or

Wilful neglect or misconduct.

(iv) where the ground of the petition is adultery or unsoundness of mind or desertion, of such wilful neglect or misconduct as has conduced to the adultery or unsoundness of mind or desertion.

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

7. The *Divorce Jurisdiction Act*, and Sections 4, 5 and 6 of the *Marriage and Divorce Act*, are repealed.

C-104

Second Session, Twenty-Seventh Parliament, 16-17 Elizabeth II, 1967-68

THE HOUSE OF COMMONS OF CANADA

BILL C-104

An Act respecting The Bell Telephone Company of Canada

AS PASSED BY THE HOUSE OF COMMONS, 29th FEBRUARY, 1968

ROGER DUHAMEL *Queen's Printer*
OTTAWA, 1968

26311

2nd Session, 27th Parliament, 16-17 Elizabeth II, 1967-68

THE HOUSE OF COMMONS OF CANADA

BILL C-104

An Act respecting The Bell Telephone Company of Canada

Preamble.
1880, c. 67;
1882, c. 95;
1884, c. 88;
1892, c. 67;
1894, c. 108;
1902, c. 41;
1906, c. 61;
1920, c. 100;
1929, c. 93;
1948, c. 81;
1957, c. 39;
1965, c. 69.

WHEREAS The Bell Telephone Company of Canada has by its petition prayed that its Act of incorporation and the Acts in amendment thereof be amended as hereinafter provided, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Abbreviated name

1. (1) The Company may, from time to time as it sees fit, use, and it may be legally designated by any one of the following names, "The Bell Telephone Company of Canada", "La Compagnie de Téléphone Bell du Canada", or "Bell Canada".

(2) The Company may sue or be sued in any of such names and any transaction, contract or obligation hereafter entered into or incurred by the Company in any of such names shall be valid and binding on the Company.

(3) Nothing contained in subsection (1) shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, nor in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of subsection (1) may be prosecuted, continued, completed and enforced as if this Act had not been passed.

2. Section 1 of chapter 39 of the statutes of 1957 is repealed and the following substituted therefor:

Power to increase capital

"**1.** The capital stock of the Company may be increased from time to time by such amounts as the shareholders may deem necessary for the purposes,

Explanatory Notes.

Clause 1: The purpose of this amendment is to permit the use by the Company of the abbreviated bilingual form of its name "Bell Canada".

Clause 2: This proposed amendment dealing with the capital stock of the Company has two objects:

A—To increase the authorized capital from $1,000,000,000 to $1,750,000,000; and

B—To authorize the Company to issue preferred shares.

objects and undertaking of the Company, such increases to be effected by resolution of the Directors duly confirmed by a majority of the votes cast at any annual or special general meeting of the shareholders called for considering the resolution: Provided that the total capital stock of the Company, including the present authorized capital stock, shall not exceed one thousand seven hundred and fifty million dollars and shall be divided into common shares of the par value of twenty-five dollars each, and into preferred shares.

Proviso

Preferred shares

3. (1) The Directors of the Company may by by-law create and issue part of the capital stock as preferred shares and may by such by-law provide for the creation of classes of preferred shares with such preferences, privileges or other special rights, restrictions, conditions or limitations, whether with regard to dividends, capital or otherwise

A—*Increase of authorized capital*

Of the $1,000,000,000 presently authorized the Company has now issued or committed, based on the par value of $25.00 per share, approximately $875,000,000. The construction programme of 1967 and 1968 is estimated to cost $683,000,000. This sum will be provided by internal resources (depreciation and retained earnings), debt and equity financing. This indicates that before the end of 1968 the presently authorized capital will be virtually exhausted.

The Canadian public continues to demand better and broader services. The cost of the construction programme of the next decade will exceed $4,000,000,000. The magnitude of this capital expenditure may be compared with the $2,026,000,000 spent on the construction programme for the period 1956-1965.

Increases in authorized capital have been petitioned for and granted from time to time by Parliament as the demands for services augmented. Parliament increased the authorized capital from $150,000,000 to $500,000,000 in 1948. In 1957 authorization was received from Parliament to increase the capital to $1,000,000,000.

These increases were adequate for approximately ten years.

Present forecasts indicate that the requested increase of $750,000,000 will be sufficient for another decade on the assumption that the same capital structure is maintained.

B—*Preferred stock*

The Company's capital stock is now exclusively composed of common shares of the par value of $25.00 each. The conditions of the money markets change very rapidly. There are times when the issue of preferred stock might be advantageous for the subscribers and the shareholders alike.

The Company has no immediate plan to modify its present capital structure. It feels, however, that its capital structure should be more flexible to meet the challenges of the future.

Clause 3: Section 162 of the Canada Corporations Act provides three methods to create preference shares:

(*a*) unanimous sanction by a vote of the shareholders present in person or by proxy at a general meeting of the Company duly called for considering the same and representing $\frac{2}{3}$ of the issued capital stock; or

Validation of by-law

as in the by-law may be declared; Provided that no such by-law shall be valid or acted upon until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the common shareholders of the Company duly called for considering the same.

(2) The Directors may by resolution prescribe within the limits set forth in any by-law passed under subsection (1) the terms of issue and the precise preferences, privileges, rights, restrictions, conditions or limitations whether with regard to dividends, capital or otherwise, of any class of preferred shares.

Preferred shares voting when their rights affected

(3) Notwithstanding the provisions of section 17 of chapter 67 of the statutes of 1880, the voting rights of the holders of any class of preferred shares, as such, including the right to receive notice of and to attend meetings of shareholders, shall be determined by by-law passed under subsection (1); but, the holders of a class of preferred shares shall in any event be entitled to receive notice of, to attend and to vote on the basis of one vote per share at general or special meetings at which any question, directly affecting the rights and privileges attached to such class of preferred shares, shall be discussed and submitted to the meetings and no change adversely affecting the rights and privileges of any class of preferred shares shall be valid unless sanctioned by at least two-thirds of the votes cast at a special general meeting of the holders of such class of issued and outstanding preferred shares duly called for considering the same.

1964-65, c. 52

(4) Section 162 of the *Canada Corporations Act* does not apply to the Company.

4. Section 10 of chapter 67 of the statutes of 1880 is repealed and the following substituted therefor:

Stock books may be opened and stock sold for cash or subject to call

"**10.** The Directors of the Company may, from time to time, open or cause to be opened stock books or registers for the subscription for shares by parties desiring to become shareholders or to increase their share holdings in the capital stock of the Company, in such places as they shall think fit, and all parties so subscribing shall pay the subscription price, either as a whole, or in instalments in such amounts, at such time or times, at such place or places, and in such manner as the Directors shall determine. When the subscription price for any such shares is not required to be paid in full at the time of subscription

(*b*) unanimous sanction in writing by all shareholders of the Company; or

(*c*) by the sanction of $\frac{3}{4}$ in value of the shareholders and subsequent approval of the Governor-in-Council.

The Company has now more than 240,000 shareholders and no one shareholder holds more than 2.5% of the shares. Any one of these methods appears quite impracticable for a company having such a wide distribution of shares. Authority to create such preferred shares given to the Company by Parliament appears to be the only answer.

The proposed amendment also outlines the procedure to create such preferred shares. The rights and privileges of any class of preferred shares would be determined by the bylaw sanctioned by the holders of common shares.

Clause 4: This clause is to replace section 10 of chapter 67 of the statutes of 1880. The present enactment is as follows:—

> "**10.** The Directors of the said Company for the time being may open or cause to be opened stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company in such places as they shall think fit, and all parties so subscribing shall pay ten per cent on allotment; and the Directors may, from time to time, make calls on such shares payable at such times, in such amounts, at such places, and in such manner as they shall, from time to time, determine; but no call shall exceed ten per cent, and an interval of at least thirty days shall intervene between the time fixed for the payment of any one call and that fixed for the payment of the succeeding call."

The purpose of this clause is to clarify the powers of the Company to offer its shares upon terms whereby the subscription price is to be paid in full at the time of subscription or on allotment or in specified instalments and that the Company is not required to issue its shares subject to call. The directors would determine the terms and conditions of any such call. The amendment would make clear that the existing shareholders can also subscribe for new stock.

or allotment, or is not to be paid in full in specified instalments, the Directors may from time to time call in and demand from the subscribers thereof respectively all sums of money by them subscribed, at such times, in such amounts, at such places and in such manner as they shall from time to time determine."

5. Section 1 of chapter 100 of the statutes of 1920 is repealed and the following substituted therefor:

Bond issue authorization

"**1.** (1) Notwithstanding the provisions of chapter 67 of the statutes of 1880, incorporating the Company, and of the Acts in amendment thereof, the Directors of the Company, when authorized by by-law for that purpose passed and approved by not less than two-thirds of the votes cast at a special general meeting of the shareholders duly called for the purpose of considering the same, may issue bonds, debentures or debenture stock from time to time for such amounts as may be approved by the shareholders, and secure the same by one or more deeds of trust creating such mortgages, charges or encumbrances upon the whole or any part of the property of the Company, present and future, as may be described therein.

(2) Nothing herein contained shall authorize the issue of any such bonds, debentures or debenture stock ranking in priority to any of the bonds of the Company heretofore issued."

6. Section 5 of chapter 81 of the statutes of 1948 is hereby repealed and the following substituted therefor:

Power to operate communication system. R.S., c. 233; 1952-53, c. 48; 1953-54, c. 31; 1955, c. 57

"**5.** (1) It is hereby declared that subject to the provisions of the *Radio Act* and of the *Broadcasting Act* and of any other statutes of Canada relating to telecommunications or broadcasting, and to regulations or orders made thereunder, the Company has the power to transmit, emit or receive and to provide services and facilities for the transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems and in connection therewith to build, establish, maintain and operate, in Canada or elsewhere, alone or in conjunction with others, either on its own behalf or as agents for others, all services and facilities expedient or useful for such purposes, using and adapting any improvement or invention or any other means of communicating.

Clause 5: This clause re-enacts section 1 of chapter 100 of the statutes of 1920. The present section is as follows:—

"**1.** (1) Notwithstanding the provisions of chapter sixty-seven of the statutes of 1880, incorporating The Bell Telephone Company of Canada, hereinafter called "the Company", and of the Acts in amendment thereof, the directors of the Company, when authorized by by-law for that purpose passed and approved by the votes of not less than two-thirds in value of the subscribed stock of the Company represented at a special general meeting duly called for the purpose of considering the same, may issue bonds, debentures or debenture stock from time to time for such amounts as may be approved by the shareholders, and secure the same by one or more deeds of trust creating such mortgages, charges or encumbrances upon the whole or any part of the property of the Company, present and future, as may be described therein.

(2) Nothing herein contained shall authorize the issue of any such bonds, debentures or debenture stock, ranking in priority to, or pari passu with, any of the bonds of the Company heretofore issued."

The wording is identical except as indicated by the underlining. The purpose of the changes in wording in sub-clause (1) is to make it clear that it is the vote of two-thirds of the shares represented at the meeting and not the votes of two-thirds of the total outstanding stock that is required to authorize such borrowing.

The omission of the words "or *pari passu* with" from sub-clause 2 is to give effect to the principal Trust Indenture and Mortgage securing the Company's bonds. This Trust Indenture provides for the issue of bonds thereunder from time to time in series and that all bonds so issued shall rank *pari passu* with all other bonds issued thereunder.

Clause 6: The purpose of this clause is to clarify section 5 of chapter 81 of the statutes of Canada 1948.

The revolution in communication techniques has demonstrated that the Company can no longer be considered exclusively as a telephone company. In order to remain strong and competitive and thus be an asset to the Canadian economy, it is compelled to meet the demands of Canadians and to supply them with the widest possible range of telecommunication services. Thus the need to update its powers.

The *Criminal Code* enacted in 1955 has recognized the evolution of the industry. Section 273 which used to refer to theft of telephone service now refers to theft to telecommunication service.

The word "telecommunication" has been repeatedly defined by Parliament in various statutes such as the *Radio Act* (1952 R.S.C. chapter 233) the *Canadian Overseas*

Company not to apply for or be holder of broadcasting licence

(2) Notwithstanding subsection (1), the Company and its subsidiaries do not, however, directly or indirectly or by any other means, have the power to apply for or to be the holder of a broadcasting licence as defined in the *Broadcasting Act* or of a licence to operate a commercial Community Antenna Television Service.

Company to act solely as carrier

(3) The Company shall, in the exercise of its power under subsection (1), act solely as a common carrier, and shall neither control the contents nor influence the meaning or purpose of the message emitted, transmitted or received as aforesaid.

Attachments

(4) For the protection of the subscribers of the Company and of the public, any equipment, apparatus, line, circuit or device not provided by the company shall only be attached to, connected or interconnected with, or used in connection with the facilities of the Company in conformity with such reasonable requirements as may be prescribed by the Company.

Transport Commission to determine if requirements reasonable

(5) The Canadian Transport Commission may determine, as questions of fact, whether or not any requirements prescribed by the Company under subsection (4) are reasonable and may disallow any such requirements as it considers unreasonable or contrary to the public interest and may require the company to substitute requirements satisfactory to the Canadian Transport Commission in lieu thereof or prescribe other requirements in lieu of any requirements so disallowed.

Application to Commission to determine reasonableness of requirement

(6) Any person who is affected by any requirements prescribed by the Company under subsection (4) of this section may apply to the Canadian Transport Commission to determine the reasonableness of such requirement having regard to the public interest and the effect such attachment, connection or interconnection is likely to have on the cost and value of the service to the subscribers.

Review

The decision of the Commission is subject to review and appeal pursuant to the *Railway Act*."

Power to invest

7. For the purpose of carrying out its corporate powers the Company is empowered to purchase or otherwise acquire, and to hold shares, bonds, debentures or other securities in any other company engaged in research and development work in areas of inquiry that relate to the objects of this Company and to sell or otherwise deal with the same, provided that such other company, not being a subsidiary of the Company on the date on which this Act comes into force, does not manufacture products for sale to the Company or to other customers.

Telecommunication Corporation Act (1952 R.S.C. chapter 42), the *Criminal Code*, as:

> "Any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system". (C.O.T.C. Act)

These words have been adapted and incorporated into the proposed clause.

The Company, being unable to forecast all possible technological changes, proposes an amendment which would permit the Company to use and adapt any improvement or invention for communicating with others and any other means for communicating that may, in the opinion of the Board of the Directors of the Company, be deemed to be in the interest of the Company.

Finally, the proposed amendment would permit the Company to enjoy these powers in Canada or elsewhere, alone or in conjunction with others, either on its own behalf or as agent for others.

Clause 7: This clause is new.

The proposed amendment is designed:

To broaden the Company's power to invest in other companies having objects in whole or in part similar to those of the Company and calculated to advance the objects of the Company; and

To enable the Company to invest in organizations carrying on research and development work related to the Company's objects.

At the present time the Company may purchase shares in other companies only when such companies possess as proprietor a line of telegraphic or telephonic communication or when such companies have a power or right to use

Executive Committee of Directors

8. The Board of Directors of the Company, may, if authorized by by-law duly passed by the Directors and confirmed by at least two-thirds of the votes cast at any annual or special general meeting of the shareholders called for considering the by-law, elect from its number an executive committee of not less than five, which executive committee may exercise such powers of the Board as are delegated to it by by-law, subject to any restrictions contained in any such by-law and to any regulations imposed from time to time by the Directors. Three members of the executive committee shall constitute a quorum.

communication by means of the telephone. This situation is governed by section 4 of chapter 67 of the statutes of 1880 which reads as follows:—

"4. The said Company shall have power and authority to purchase or lease for any term of years any telephone line established or to be established, either in Canada or elsewhere, connecting or hereafter to be connected with the lines which the Company is authorized to construct, or to purchase or lease for any term of years the right of any company to construct any such telephone line; and shall also have power and authority to amalgamate with or to lease their line, or any portion or portions thereof, from time to time, to any company or person possessing as proprietor any line of telegraphic or telephonic communication connecting or to be connected with the Company's line, in Canada; and the Company shall also have power to enter into any arrangements with any person or company possessing, as proprietor, any line of telegraphic or telephonic communication, or any power or right to use communication by means of the telephone upon such terms and in such manner as the Board of Directors may, from time to time, deem expedient or advisable, or to become a shareholder in any such corporation."

By section 2 of chapter 67 of the statutes of 1880 as re-enacted by section 1 of chapter 95 of the statutes of 1882 the Company is given the "power to manufacture telephone and other apparatus connected therewith, and their appurtenances and other instruments, used in connection with the business of a telegraph or telephone company, and also such other electrical instruments and plant as the said Company may deem advisable . . . and to aid or advance money to build or work any such line to be used for telephone purposes."

The present high standards of telecommunications enjoyed by Canadians are the fruit, in no small measure, of foreign research and development. For many reasons these sources could be no longer available.

The most effective way to preserve the enviable position enjoyed by the Canadian telecommunication industry is to develop and support a strong research and development sector fully integrated with operations and manufacturing.

Clause 8: This clause is new.

Companies incorporated by Letters Patent have the power in their Boards of Directors to appoint an executive committee of the Board. This power is given to those companies by section 94 of the *Canada Corporations Act* which reads as follows:—

"94. The board of directors of the company whenever it consists of more than six, may if authorized by by-law duly passed by the directors, and sanctioned by at least two-thirds of the votes cast at a special general meeting of shareholders duly called for considering the by-law, elect from its number an executive committee consisting of not less than three, which executive committee shall have power to fix its quorum at not less than a majority of its members and may exercise such powers of the board as are delegated by such by-law, subject to any restrictions contained in any such by-law and to any regulations imposed from time to time by the directors."

Since Bell Telephone has a Board of Directors of 18 members and is empowered to have twenty members, it requests the convenience of appointing an executive committee.

Director indemnified in suits respecting execution of his office

9. Every Director of the Company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Company, given at any meeting of the shareholders thereof, from time to time and at all times, be indemnified and saved harmless out of the funds of the Company, from and against:

(*a*) all costs, charges and expenses whatsoever that such Director sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and

(*b*) all other costs, charges and expenses that he sustains or incurs, in or about or in relation to the affairs thereof: except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

10. Section 3 of chapter 67 of the statutes of 1880 as amended by section 2 of chapter 95 of the statutes of 1882 is hereby repealed and the following substituted therefor:

Construction and maintenance of line

"**3.** The said Company may construct, erect and maintain its line or lines of telecommunication along the sides of and across or under any public highways, streets, bridges, water courses or other such places, or across or under any navigable waters, either wholly in Canada or dividing Canada from any other country, provided the said Company shall not interfere with the public right of travelling on or using such highways, streets, bridges, water courses or navigable waters; and provided that in cities, towns and incorporated villages the Company shall not erect any pole higher than 40 feet above the surface of the street, nor affix and maintain any telecommunication wire below any minimum height that may be approved by the Board of Transport Commissioners for Canada or that may be established by any regulation or general order of said Board, nor carry more than one line of poles along any street without the consent of the municipal council having jurisdiction over the streets of the said city, town or village, and that in any city, town or incorporated village, the poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted if so required by any by-law of the council; and provided further that where lines of telegraph are already

Proviso: height of poles, & c

Clause 9: This clause is new.

Section 91 of the *Canada Corporations Act* reads:

"**91.** Every director of the company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the company, given at any meeting of the shareholders thereof, from time to time and at all times, be indemnified and saved harmless out of the funds of the company from and against,

(*a*) all costs, charges and expenses whatsoever that such director sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office, and

(*b*) all other costs, charges and expenses that he sustains, or incurs, in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default."
(1934, chapter 33, section 91)

The new section is identical to section 91 of the *Canada Corporations Act* and gives to Company directors the same protection that exists for all Letters Patent Companies directors. It is noted that indemnification is not included when loss is occasioned by a director's wilful neglect or default.

Clause 10: This clause amends section 3 of chapter 67 of the statutes of 1880 by:

(*a*) Substituting the word "telecommunication" for the word "telephone" wherever it appears.

Inasmuch as section 7 of this Bill shows the need to refer to the Company as a telecommunication company and not to a telephone company, for the sake of consistency, the proposed substitution appears necessary.

(*b*) Giving to the Board of Transport Commissioners for Canada jurisdiction to establish the height of the Company's wires.

Several rules and regulations make it impossible for the Company to establish and maintain its wires at the height of 22 feet specified in the incorporating provisions. By complying with these existing rules and regulations the Company is now forced to violate the provisions of its charter. The proposed amendment will eliminate this difficulty.

constructed, no poles shall be erected by the Company in any city, town or incorporated village along the same side of the street where such poles are already erected unless with the consent of the council having jurisdiction over the streets of such city, town or incorporated village; provided also, that in so doing the said Company shall not cut down or mutilate any tree, and provided that in cities, towns and incorporated villages, the location of the line or lines and the opening up of the street for the erection of poles or for carrying the wires under ground shall be done under the direction and supervision of the engineer or such other officer as the council may appoint, and in such manner as the council may direct, and that the surface of the street shall, in all cases, be restored to its former condition by and at the expense of the Company: Provided also, that no Act of Parliament requiring the Company (in case efficient means are devised for carrying telecommunication wires under ground) to adopt such means, and abrogating the right given by this section, to continue carrying lines on poles through cities, town or incorporated villages, shall be deemed an infringement of the privileges granted by this Act; and provided further that whenever in case of fire it becomes necessary for its extinction or the preservation of property that the telecommunication wires should be cut, the cutting under such circumstances of any of the wires of the Company under the direction of the chief engineer or other office in charge of the fire brigade, shall not entitle the Company to demand or claim compensation for any damages that might be so incurred; and section 378 (except subsection (1)) of the *Railway Act* shall apply to the Company insofar as line or lines of telecommunication are concerned.

Proviso as to trees

Proviso as to cutting wires in case of fire

Loans to employee-shareholders. 1964-65, c. 52

11. Notwithstanding the provisions of section 193 of the *Canada Corporations Act*, the Company may make loans to any employee or retired employee to assist him during a period of adversity or illness regardless of the fact that any such employee or retired employee is a shareholder of the Company, and section 190 of the *Canada Corporations Act* shall not apply to any such loans.

Housing plans

12. The Directors of the Company are authorized to provide housing assistance to employees in the course of their employment and to establish plans in connection therewith.

Clause 11: This clause is new.

Sections 193 and 190 of the *Canada Corporations Act* referred to are as follows:

> **"193.** No company shall loan any of its funds to any shareholder.
>
> **190.** Where any loan is made by the company to any shareholder in violation of the provisions of this Part, all directors and other officers of the company who make the same or assent thereto are jointly and severally liable to the amount of such loan with interest to the company and also to creditors of the company, for all debts of the company then existing or contracted from the time of the making of such loan to that of the repayment thereof."

The Company has a Pension Plan and an Employees' Stock Savings Plan which in conjunction are designed to provide adequate post-retirement income to employees. The non-contributory pension plan in itself is not always adequate for this purpose. This clause is designed to prevent a temporary financial storm in an employee's affairs from forcing sale of his holdings of Company stock resulting in post-retirement income problems. Temporary loans to employee-shareholders to tide them over periods of illness or adversity would in many cases permit retention of savings held in the form of Company stock.

Clause 12: This clause is new.

Its purpose is to enable the Company to adequately man the organization. The nature of the business is such that maximum efficiency requires transfers of employees from place to place. This clause permits maintenance of a housing assistance plan so that such moves can be made without undue financial loss to employees. It will permit the Company to purchase or otherwise acquire residences from employees who have been transferred and have not otherwise disposed of their homes.

Record date for meetings. 1964-65, c. 52

13. Notwithstanding the provisions of section 17 of chapter 67 of the statutes of 1880 and of section 181 of the *Canada Corporations Act*, the Directors may fix in advance a date preceding by not more than fifteen days the date of the holding of any meeting of shareholders as a record date for the determination of the shareholders entitled to attend and vote at such meeting, but any such record date shall be referred to in the notice calling such meeting of shareholders.

Repeal

14. Chapter 88 of the statutes of 1884; chapter 67 of the statutes of 1892; chapter 108 of the statutes of 1894; sections 1, 3 and 4 of chapter 41 of the statutes of 1902 and chapter 61 of the statutes of 1906 are hereby repealed, but such repeal shall not affect increases in the Company's authorized capital stock effected under any such enactments.

Clause 13: This clause is new.

As the law stands at this time all shareholders of the Company, even those who would become so on the day before a general or special meeting, are entitled to attend and vote at such meeting.

With more than 240,000 shareholders, it is extremely difficult if not impossible for the Company to advise those late shareholders of the meeting to be held, to receive their proxy and to try and figure out the number in value of the shareholders present or represented at such meeting. This clause permits a cutoff date to be set up to 15 days before a meeting. Persons becoming shareholders in the period between the cutoff date and the meeting will not have the right to attend and vote.

Clause 14: The chapters and sections repealed are:

(*a*) Chapter 88 of the statutes of 1884 which is as follows:

"**1.** The capital stock of the said Company may be increased to an amount not exceeding one million five hundred thousand dollars, in addition to the original capital stock, amounting to five hundred thousand dollars, authorized by section five of the Act passed in the forty-third year of the reign of Her Majesty, chapter sixty-seven; and such increase may be effected in the manner and shall be subject to the provisions contained in the said section."

This section has been superseded by subsequent Acts increasing the Company's capital.

(*b*) Chapter 67 of the statutes of 1892 which is as follows:

"**1.** The capital stock of the Bell Telephone Company of Canada may be increased to an amount not exceeding five million dollars, including the present authorized stock; and such increase may be effected in the manner provided by, and shall be subject to the provisions contained in, section five of chapter sixty-seven of the statutes of 1880.

2. Notwithstanding the provisions of the Act incorporating the Company and of the Acts amending the same, the power of the Company to issue bonds or debentures from time to time shall be limited to a sum not exceeding in the whole five hundred thousand dollars.

3. The existing rates shall not be increased without the consent of the Governor in Council."

Section 1 has been superseded by subsequent Acts increasing the Company's capital.

Section 2 was superseded by chapter 100 of the statutes of 1920 which removed all limitations as to the amount of money that the Company may borrow.

Section 3 was superseded by the provisions of the *Railway Act* empowering the Board of Transport Commissioners for Canada to regulate the Company's rates. Under the *Railway Act*, an appeal lies to the Governor in Council.

(*c*) Chapter 108 of the statutes of 1894 which is as follows:

"**1.** Notwithstanding the provisions of the Act incorporating the Bell Telephone Company of Canada, and of the Acts in amendment thereof, the directors of the Company may when authorized by a by-law for that purpose, passed and approved of by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the Company, present or represented at a special general meeting duly called for the purpose of considering such by-law, issue bonds or debentures from time to time to the amount of seventy-five per cent of its actual paid-up capital stock."

This section was superseded by chapter 100 of the statutes of 1920 which removed all limitations as to the amount of money that the Company may borrow.

(*d*) Chapter 41 of the statutes of 1902, sections 1, 3 and 4 which are as follows:

"**1.** The capital stock of the Bell Telephone Company of Canada may be increased to an amount not exceeding ten million dollars, including the present authorized stock; and such increase may be effected in the manner provided by, and shall be subject to the provisions contained in, section 5 of chapter 67 of the statutes of 1880.

3. The rates for telephone service in any municipality may be increased or diminished by order of the Governor in Council upon the application of the Company or of any interested municipality, and thereafter the rates so ordered shall be the rates under this Act until again similarly adjusted by the Governor in Council.

(2) In increasing or diminishing said rates due regard shall be had to the principle embodied in section 3 of chapter 67 of the statutes of 1892 and to new conditions which have obtained since.

(3) In the case of any such application the Governor in Council may commission or empower any judge of the Supreme Court or Exchequer Court of Canada, or of any superior court in any province of Canada, to inquire in a summary way into, and report to the Governor in Council whether such increase or diminution should be made, and as to the expenses incurred in and about the application and inquiry.

(4) The Governor in Council may order the whole or any part of such expenses to be borne by the municipality or by the Company.

(5) The judge may compel the attendance of witnesses and examine them under oath and require the production of books and papers, and shall have such other necessary powers as are conferred upon him by the Governor in Council for the purposes of such inquiry.

(6) Any order made under this Act by the Governor in Council may be made an order of the Exchequer Court of Canada or of any superior court of any province of Canada, and shall be enforced in like manner as any rule or order of such court.

4. The word "rates" in this Act shall apply to all rates charged for the rental or use of telephones and telephone service, and also to charges for messages from any person in one municipality to any other person in another municipality, commonly known as long distance messages."

Section 1 has been superseded by subsequent Acts increasing the Company's capital.

Sections 3 and 4 were superseded by the provisions of the *Railway Act* empowering the Board of Transport Commissioners for Canada to regulate the Company's rates. Under the *Railway Act*, an appeal lies to the Governor in Council.

(*e*) Chapter 61 of the statutes of 1906. The only unrepealed provision of this Act is:

"**2.** This Act and the Bell Telephone Company of Canada and the exercise of the powers hereby conferred shall be subject to the provisions of the *Railway Act*, 1903, and amendments thereto."

This section is no longer necessary as the relevant provisions of the *Railway Act* are expressly made applicable to the Company by section 380 thereof.

C-105.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-105.

An Act to incorporate Rainbow Pipe Line Corporation.

First reading, May 12, 1967.

Mr. ORANGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26535

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-105.

An Act to incorporate Rainbow Pipe Line Corporation.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

Corporate name.

1. Ross Garstang Gray, One of Her Majesty's Counsel, James Gordon Fogo, Solicitor, Ronald Gary Belfoi, Solicitor, Douglas Charles Cryderman, Solicitor, Alan Robert Campbell, Solicitor, and Gerald Otto Siebgert Oyen, Solicitor, all of the city of Ottawa in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of Rainbow Pipe Line Corporation, hereinafter called the "Company".

Directors.

2. (1) The persons named in section 1 of this Act shall be the first directors of the Company.

(2) Not less than two-thirds of the directors shall, at all times, be persons resident in Canada and Canadian citizens.

Capital stock.

3. (1) The capital stock of the Company shall consist of

(*a*) six hundred thousand common shares of the par value of ten dollars per share; and

(*b*) one hundred and fifty thousand preferred shares of the par value of one hundred dollars per share.

(2) The Company may by by-law

(*a*) provide for the division of the preferred shares or any part thereof into one or more classes of preferred shares, any such class having such

preferences, privileges, rights, restrictions, conditions or limitations whether with regard to dividends, repayment of capital, voting, redemption or purchase for cancellation, the right to convert such shares into shares of any other class whether preferred or common or into securities, or otherwise as in the by-law may be declared, and any such by-law may provide for the issuance of any such class of preferred shares in one or more series; and

(*b*) subdivide or consolidate into shares of smaller or larger par value or reclassify into another or different class of preferred shares any unissued preferred shares and amend, vary, alter or change any of the preferences, privileges, rights, restrictions, conditions or limitations which may have been attached to any unissued preferred shares:

Proviso. Provided that no such by-law shall be valid or acted upon unless and until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the same, and unless and until a certified copy of such by-law has been filed with the Registrar General.

Preferred shares in series. (3) Where in any by-law passed under subsection (2) of this section, provision has been made for the issuance of any class of preferred shares in one or more series, the directors of the Company may from time to time before the issuance of any such shares by resolution prescribe the designation, preferences, privileges, rights, restrictions, conditions or limitations attaching to the shares of each series of such class: Provided that no such resolution shall be valid or acted upon unless and until a certified copy thereof has been filed with the Registrar General.

Proviso.

Voting. (4) Except to the extent that such rights may be provided by any by-law enacted under subsection (2) of this section, the holders of preferred shares of any class shall not as such have the right to vote or to receive notice of or to attend any meetings of the shareholders of the Company.

Alteration of preferred shares. (5) The Company may at any time and from time to time pass a by-law or by-laws whereby the preferences, privileges, rights, restrictions, conditions or limitations which may have been attached to any class or series of issued preferred shares may be altered, amended or repealed or the application thereof suspended or whereby any class or series of issued preferred shares may be subdivided or consolidated, but no such by-law shall be valid or acted upon unless and until it has been sanctioned by at least

two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for the purpose, and unless and until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the holders of the issued and outstanding preferred shares of such class and/or series duly called for considering the same, and unless and until a certified copy of such by-law has been filed with the Registrar General.

Effect of redemption.

(6) Where, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provisions attaching to them, preferred shares are redeemed or purchased for cancellation by the Company, they shall be thereby cancelled, and the authorized and the issued capital of the Company shall be thereby decreased.

Insolvency.

(7) Preferred shares shall not be redeemed or purchased for cancellation by the Company if the Company is insolvent or if the redemption or purchase would render the Company insolvent.

Conversion of preferred shares.

(8) Where preferred shares are converted into the same or another number of shares of another class or classes, whether preferred or common, the shares converted thereupon become the same in all respects as the shares of the class or classes respectively into which they are converted and the number of shares of each class affected by the conversion is changed accordingly.

Issued capital unchanged on conversion.

(9) Where preferred shares are converted into another class or other classes of shares, the issued capital of the Company shall not be increased or decreased by the conversion.

Notice of redemption or conversion to be filed.

(10) Where any class of preferred shares is subject to redemption or purchase for cancellation or to conversion into shares of any other class, and such redemption or purchase for cancellation or conversion is effected in any month, notice thereof, setting forth the number of shares of the class redeemed or purchased for cancellation or converted and the number of shares and the class into which conversion is made in that month shall be filed with the Registrar General before the end of the following month.

Subdivision or consolidation of common shares.

(11) The Company may by by-law subdivide or consolidate its common shares into shares of smaller or larger par value but no such by-law shall be valid or acted upon unless and until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the same and unless and until a certified copy of such by-law has been filed with the Registrar General.

Head office and other offices.

4. (1) The head office of the Company shall be in the city of Calgary, in the province of Alberta, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient.

(2) The Company may, by by-law, change the place where the head office of the Company is to be situate to any other place in Canada.

(3) No by-law for the said purpose shall be valid or acted upon unless and until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the by-law, and a certified copy of such by-law has been filed with the Registrar General and published in the *Canada Gazette*.

Pipe lines legislation to apply. 1959, c. 46; 1960, c. 9; 1960-61, c. 52; 1963, c. 41, s. 5.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of, the *National Energy Board Act* and any other general legislation relating to pipe lines enacted by Parliament.

Power to construct and operate pipe lines.

6. The Company, subject to the provisions of any general legislation relating to pipe lines enacted by Parliament, may

(*a*) within or outside Canada construct, purchase, lease or otherwise acquire and hold, develop, operate, maintain, control, lease, mortgage, hypothecate, create liens or other security upon, sell, convey or otherwise dispose of and turn to account any and all interprovincial, extra-provincial and/or international pipe lines and all appurtenances relative thereto for the gathering, processing, refining, treating, transmitting, transporting, storing and delivering of any substances capable of being transmitted or transported by pipe line including, without limiting the generality of the foregoing, any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof and all works relative thereto for use in connection with the said pipe lines; and buy or otherwise acquire, process, refine, treat, transmit, transport and sell or otherwise dispose of and distribute any substances capable of being transmitted or transported by pipe line including,

without limiting the generality of the foregoing, any natural and artificial gas and oil and hydrocarbons and related substances or any of them and any products or by-products thereof; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype, telegraph and microwave or television communication systems, and, subject to the *Radio Act*, and any other statute relating to radio, microwave or television, own, lease, operate and maintain interstation radio, microwave or television communication facilities;

R.S., c. 233; 1952-53, c. 48; 1953-54, c. 31; 1955, c. 7.

Power to hold land.

(*b*) purchase, hold, lease, sell, improve, exchange or otherwise deal in or with any property, real or personal, movable or immovable, or any interest or rights therein of any kind whatsoever;

Power to acquire hydrocarbons.

(*c*) locate, purchase, lease, acquire by reservation, licence or otherwise and hold, develop and improve, sell, let or otherwise dispose of natural and artificial gas, oil and other hydrocarbons and related substances, or any of them, and any products or by-products thereof and any rights and interests therein;

Power to explore for hydrocarbons.

(*d*) search and prospect for gas, oil and other hydrocarbons and related substances or any of them;

Power to produce hydrocarbons.

(*e*) drill for, extract and produce, store, refine, process, purchase, transport and distribute natural and artificial gas, oil and other hydrocarbons and related substances or any of them or solids and any products or by-products thereof; and

Ancillary powers.

(*f*) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs (*a*) to (*bb*) inclusive of subsection (1) of section 14 of the *Canada Corporations Act*.

R.S., c. 53; 1964-65, c. 52.

Sections of the *Canada Corporations Act* to apply.

7. The provisions of subsection (2) of section 14, sections 39, 40, 63, 64, 65, 86, 87, 91, 94 and 110 of Part I of the *Canada Corporations Act* apply to the Company:

Proviso.

Provided that wherever in the said sections and subsections the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

Sections of the *Canada Corporations Act* not to apply.

8. Sections 155, 162, 167, 184, 190, 193 and 194 of Part III of the *Canada Corporations Act* shall not be incorporated with this Act.

R.S., c. 53; 1964-65, c. 52. Company not to make a loan to shareholders or directors.

9. (1) The Company shall not make any loan to any of its shareholders or directors or give, whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares in the Company:

Proviso.

Provided that nothing in this section shall be taken to prohibit

(*a*) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling or assisting those persons to purchase or erect dwelling houses for their own occupation; and the Company may take, from such employees, mortgages or other securities for the repayment of such loans;

(*b*) the provision by the Company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully paid shares in the capital stock of the Company, to be held by, or for the benefit of, employees of the Company, including any director holding a salaried employment or office in the Company; or

(*c*) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling those persons to purchase fully paid shares in the capital stock of the Company, to be held by themselves by way of beneficial ownership.

(2) The powers under paragraphs (*b*) and (*c*) of subsection (1) of this section shall be exercised by by-law only.

(3) If any loan is made by the Company in violation of the foregoing provisions, all directors and officers of the Company making the same or assenting thereto, shall, until repayment of said loan, be jointly and severally liable to the Company and to its creditors for the debts of the Company then existing or thereafter contracted:

Proviso.

Provided that such liability shall be limited to the amount of said loan with interest.

Stock dividends.

10. For the amount of any dividend that the directors may lawfully declare payable in money, they may issue therefor shares of the Company as fully paid up, or they may credit the amount of such dividend on the shares of the Company already issued but not fully paid up, and the liability of the holders of such shares thereon shall be reduced by the amount of such dividend.

Commission on subscription.

11. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares, bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

C-106.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-106.

An Act to amend the Canadian Wheat Board Act.

First reading, May 15, 1967.

THE MINISTER OF TRADE AND COMMERCE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26254

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-106.

An Act to amend the Canadian Wheat Board Act.

R.S., c. 44; 1952-53, c. 26; 1957, c. 6; 1962, c. 21.

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

1962, c. 21, s. 1.

1. Paragraph (*f*) of subsection (1) of section 2 of the *Canadian Wheat Board Act* is repealed and the following substituted therefor:

"Minister."

"(*f*) "Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council to act as the Minister for the purposes of this Act;"

1962, c. 21, s. 3.

2. Section 23 of the said Act is repealed.

1962, c. 21, s. 4.

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

"Pool period" defined.

"**24.** Subject to section 31, in this Part "pool period" means a crop year."

1962, c. 21, s. 6.

4. Section 34 of the said Act is repealed.

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

EXPLANATORY NOTES.

Clause 1: The purpose of this amendment is to provide that the Minister referred to in the *Canadian Wheat Board Act* shall be such member of the Queen's Privy Council for Canada as is designated by the Governor in Council.

Clauses 2, 3 and 4: The purpose of these amendments is to make permanent the powers of the Canadian Wheat Board which at present terminate on August 1, 1967.

Sections 23, 24 and 34 at present read as follows:

"**23.** The provisions of this Part shall be deemed to be repealed on and after the 1st day of August, 1967.

24. Subject to section 31, in this Part "pool period" means

(*a*) each crop year *subsequent to the 31st day of July, 1950, and prior to the 1st day of August, 1967; and*

(*b*) *thereafter, such period or periods as Parliament may fix for such purpose.*

34. The provisions of this Part shall be deemed to be repealed on and after the 1st day of August, 1967."

Clause 5: The purpose of this amendment is to list the mills and feed warehouses in existence on March 1, 1967.

SCHEDULE

MILLS AND FEED WAREHOUSES IN MANITOBA

Flour Mills

Owner or Licensee	*Address*
Benito Flour Mill	Benito
Harrison Milling & Grain Company Limited	Holmfield
Kent Flour Mills Limited, B. P.	Virden
Maple Leaf Mills Limited	St. Boniface
Ogilvie Flour Mills Company Limited	Winnipeg
Soo Line Mills Limited	Winnipeg
Steinbach Flour Mills Limited	Steinbach

Seed Cleaning Mills

Owner or Licensee	*Address*
Arnott and McElroy	Darlingford
Ayotte, Leo	St. Jean Baptiste
Beavis, J. Allan	Crystal City
Benekom Seed & Grain Company Limited	Pilot Mound
Bradley Seed Farms	Portage la Prairie
Brett-Young Seeds Limited	Winnipeg
Colin C. Campbell & Son	Reston
Carberry Seed Plant	Carberry
Carruthers, M. W.	Darlingford
Chanel, J.	Somerset
Charles, Gordon	Minnedosa
Clements Farms Equipment Limited	Russell
Co-operative Vegetable Oils	Altona
Cypress River Feeds Limited	Cypress River
DeJaegher, C.	Greenway
Einarson Seed & Feed Company Limited	Glenboro
Ellis Seed & Feed Company	Wawanesa
Emerson Grain Products Limited	Emerson
Evergreen Seed Farms	Rosenort
Farmers Co-operative Seed Cleaning Plant	Rivers
Faurschou, J. L.	Portage la Prairie
Federal Grain Limited	Winnipeg
Fields & McCallum	Roland
Friesen Brothers	Morris
Graham, G. M. & G. R.	Foxwarren
Grandview Seed House	Grandview
Guderian, H.	Thornhill
Harders Seed Service	Plum Coulee
Hutton Brothers	Clanwilliam
Imperial Seed Company Limited	Winnipeg
Johnson & Son, S. S.	Arborg
Kehler Feed & Seed Company Limited	Niverville
Killarney Seed Service Limited	Killarney
Krocker Seed Limited	East Kildonan
Laycock, R. M.	Rosebank
Lindenberg Brothers Limited	Brandon
McCabe Grain Company Limited	St. Boniface
McCallister Seed Cleaners Limited	Portage la Prairie
McElroy, R. C.	Darlingford
McKenzie, Neil	Portage la Prairie
McKenzie, A. E. Company Limited	Brandon
Manitoba Pool Elevators	St. Boniface
Marian, Edward	Dufrost
Melita Seed & Feed Company	Melita
Nickel, J. B.	Rosenfeld
Norfolk Seed & Feed Company	McGregor
Notre Dame Seed Plant	Notre Dame de Lourdes

SCHEDULE—*Continued*

Seed Cleaning Mills—*Continued*

Owner or Licensee	*Address*
Reimer, Dave	Pilot Mound
Ralph, Gerald	Clearwater
Riediger, J. P. & Sons	Morden
Ritz and Company, Henry	Gretna
Riediger's Feed & Seed Service	Manitou
Ronceray, Paul	Somerset
Rose, D. R.	Carroll
Roy Trading Company	St. Jean Baptiste
Rusywick, Phillip	St. Claude
Schade, Otto	Starbuck
Searle Grain Company Limited	Winnipeg
Souris Seed & Feed Limited	Souris
Sperling Seed Cleaning Plant	Sperling
Steel Briggs Seeds Limited	Winnipeg
Swan River Seed Plant	Swan River
Swanton Seed Service Limited	Carman
United Grain Growers Limited	Winnipeg
Wiebe, Henry	La Riviere
Wilkinson, J. B.	Portage la Prairie
Willanbea Seed Cleaners	Souris
Wood, E. J.	Killarney

Feed Mills and Feed Warehouses

Owner or Licensee	*Address*
Altona Feed Service Limited	Altona
Benito Flour & Feed Mill	Benito
Canada Packers Limited (Shur-Gain Division)	St. Boniface
Central Grain Company Limited	St. Boniface
Dufferin Feed Service Mill	Carman
Economy Grain & Feed Company Limited	Winnipeg
Einarson Seed & Feed Company Limited	Glenboro
Ellison's Feed Mill	Teulon
Fairway Milling & Grain Company Limited	St. Boniface
Federal Grain Limited (Winnipeg Elevator)	Winnipeg
Federated Co-operatives Limited	Winnipeg
Feed-Rite Mills (1962) Limited	Winnipeg
Fournier Mobile Feed Service Limited	LaBroquerie
Friendly Family Feeds Limited	Steinbach
Grunthal Feed Service Limited	Grunthal
Hart Feeds	Ste. Anne
Haskett Feed Service Mill	Haskett
Horndean Feed Service	Horndean
Inter-Lake Flour & Feed Company	Arborg
Inter-Ocean Grain Company Limited (Winkler Mills Division)	Winkler
John's Feed Service	Grandview
Kady-Lo Feed Service	Shoal Lake
Kehler Feed & Seed Company Limited	Niverville
Kenmore Industries Limited	St. Boniface
Kent Flour Mills Limited, B. P.	Virden
Killarney Feed Service Mill	Killarney
Kleefeld Co-operative Dairy Limited	Kleefeld
Laing Brothers Limited	Winnipeg
Laiterie Co-operative de la Broquerie	La Broquerie
Landmark Feed Mill Limited	Landmark
Lockport Feed Service Mill	Lockport
Leowen & Company Limited, P. J.	Giroux
Maple Leaf Mills Limited	St. Boniface
McCabe Grain Company Limited	Brandon
McCabe Grain Company Limited	St. Boniface

SCHEDULE—*Continued*

Feed Mills and Feed Warehouses—*Continued*

Owner or Licensee	*Address*
Minnedosa Feed Mill	Minnedosa
National Grain Company Limited (Feed Mill)	Dauphin
National Grain Company Limited (Feed Mill)	Swan River
Noiseux Mobile Feed Service, Phil	St. Norbert
North West Flour Mills	Fisher Branch
Ogilvie Flour Mills Company Limited	Winnipeg
Parrish & Heimbecker Limited	Boissevain
Parrish & Heimbecker Limited	Brandon
Parrish & Heimbecker Limited	Gimli
Parrish & Heimbecker Limited	Gladstone
Parrish & Heimbecker Limited	Neepawa
Pilot Mound Feed Service	Pilot Mound
Pioneer Grain Company Limited	Carey
Portage Feed Mill	Portage la Prairie
Producers Feeds (Manitoba) Limited	Dauphin
Rempel Equipment Company	Steinbach
Riediger's Feed & Seed Service Limited	Manitou
Riediger & Sons Limited, J. P	Morden
Ritz & Company, Henry	Gretna
Roblin Flour Mills	Roblin
Rosenort Feed Service Limited	Rosenort
Selkirk Feed Mill	Selkirk
Somerset Feed Mill	Somerset
Souris Seed & Feed Limited	Souris
Steinbach Hatchery Limited	Steinbach
Swift Canadian Company Limited	St. Boniface
Valley Feed Service	Morris
Victoria Products Company Limited	St. Boniface
Winkler Feed Service Limited	Winkler

MILLS AND FEED WAREHOUSES IN SASKATCHEWAN

Flour Mills

Owner or Licensee	*Address*
Esterhazy Flour Mill	Esterhazy
Humboldt Flour Mills Limited	Humboldt
Quaker Oats Company of Canada Limited	Saskatoon
Robin Hood Flour Mills Limited	Saskatoon
Saskatchewan Wheat Pool—Industrial Division, Flour Mill	Saskatoon
Viscount Grist Mill	Viscount
Yorkton Milling Company Limited	Yorkton
Wynyard Flour Mill	Wynyard

Seed Cleaning Mills

Owner or Licensee	*Address*
Bell's Limited	Prince Albert
Campbell, L. H	Pense
Early Seed & Feed Limited	Aylsham
Early Seed & Feed Limited	Saskatoon
Eastman, S. W	Melfort
Farr, Glenn A	Lewvan
Federal Grain Limited	Unity
Heil, G	Abernethy
Humboldt Flour Mills Limited	Humboldt

SCHEDULE—*Continued*

Seed Cleaning Mills—*Continued*

Owner or Licensee	*Address*
Hyndman, A. T.	Balcarres
Jackson's Seed & Feed	Kindersley
Jim's Seed Cleaning Plant	Kelvington
Lawrence Brothers	Meskanaw
McCabe Grain Company Limited	Nipawin
McCabe Grain Company Limited	Regina
Newfield Seeds Limited	Carragana
Newfield Seeds Limited	Nipawin
Nodrick Seeds Limited	Tisdale
Northeastern Seed Company Limited	Yorkton
Parrish & Heimbecker Limited	Regina
Peterson, S. P.	Wynyard
Phillip's Seed Farm	Tisdale
Purdy & Blacklaws Limited	Tisdale
Redvers Agriculture & Supply Limited	Redvers
Riverview Seeds Limited	Nipawin
Saskatchewan Wheat Pool	Moose Jaw
Saskatchewan Wheat Pool	Regina
Saskatchewan Wheat Pool	White Fox
Schoonover, L. A.	Ridgedale
Steele Briggs Seeds Limited	Regina
Tonn, C. H.	Preeceville
United Grain Growers Ltd.	Dinsmore
Vandeveld, R.	Viscount
Weyburn Co-operative Seed Plant	Weyburn

Feed Mills and Feed Warehouses

Owner or Licensee	*Address*
Beechy Feeds Limited	Beechy
Bell's Limited	Prince Albert
Burns Foods Limited (Vigor Feed Division)	Prince Albert
Burns Foods Limited (Vigor Feed Division)	Regina
Early Seed & Feed Limited	Saskatoon
Federated Co-operatives Limited	Saskatoon
Ferguson's Custom Feedlots Limited	Drinkwater
Intercontinental Packers Limited	Saskatoon
Inter-Ocean Mills	Moosomin
Lloydminster & District Agricultural Co-op. Assoc. Limited	Lloydminster
McCabe Grain Company Limited	Moose Jaw
Moose Jaw Co-operative Association Limited	Moose Jaw
Myers Feeds Limited	Hughton
National Grain Company Limited	Biggar
National Grain Company Limited	Carlyle
National Grain Company Limited	Unity
Parrish & Heimbecker Limited	Radisson
Premier Feeds Company Limited	North Battleford
Premier Feeds Company Limited	Preeceville
Premier Feeds Company Limited	Wynyard
Producers Feeds (Sask.) Limited	Melville
Quaker Oats Company of Canada Limited	Saskatoon
Redvers Agriculture & Supply Limited	Redvers
Smith Hatcheries	Tisdale
Taylor's Flour & Feed Mill	Saskatoon
United Grain Growers Limited	Regina
United Grain Growers Limited	Wilkie
Weyburn Mills Division—Inter-Ocean Grain Company Limited.	Weyburn
Yorkton Milling Company Limited	Yorkton

SCHEDULE—*Continued*

MILLS AND FEED WAREHOUSES IN ALBERTA

Flour Mills

Owner or Licensee	*Address*
Byers Flour Mills Limited	Camrose
Ellison Milling and Elevator Company Limited	Lethbridge
Maple Leaf Mills Limited	Calgary
Maple Leaf Mills Limited	Medicine Hat
Ogilvie Flour Mills Company Limited	Edmonton
Ogilvie Flour Mills Company Limited	Medicine Hat
Pillsbury of Canada Limited	Calgary
Robin Hood Flour Mills Limited	Calgary
Vulcan Flour Mills	Vulcan

Seed Cleaning Mills

Owner or Licensee	*Address*
Alberta Wheat Pool	Camrose
Alberta Wheat Pool	Grande Prairie
Alberta Wheat Pool	Sangudo
Asgrow Seed Company of Canada Limited	Brooks
B.C. Pea Growers	Brooks
Bogoch Export Limited	Edmonton
Canwest Seed Company Limited	Beaverlodge
Canwest Seed Company Limited	Coronation
Canwest Seed Company Limited	Edmonton
Canwest Seed Company Limited	Falher
Canwest Seed Company Limited	Manning
Canwest Seed Company Limited	Sangudo
Chinook Seeds Limited	Lethbridge
Crown Seed & Feed Limited	Calgary
Ellison Milling & Elevator Company Limited	Foremost
Ellison Milling & Elevator Company Limited	Lethbridge
Foster's Seed & Feed Limited	Albright
Foster's Seed & Feed Limited	Beaverlodge
The Hadford Company Limited	Warner
Hannas Seeds Limited	Lacombe
Hannas Seeds Limited	Smoky Lake
Imperial Seed Company Limited	Calgary
Ken Long Seeds Limited	Cardston
Maple Leaf Seeds	South Edmonton
McCabe Seeds Limited	Brooks
McCabe Seeds Limited	Edmonton
McKenzie Company Limited, A. E.	Calgary
Milk River Grain Company Limited	Milk River
Montana Mustard Seed Company	Lethbridge
O'Loane, Kiely and Company Limited	Lethbridge
Pike & Company Limited	Edmonton
Pincher Creek Co-operative	Pincher Creek
Red Deer Seed Company Limited	Red Deer
Schiebout Seeds Limited	Barons
Smith Seed Cleaners Limited	Bow Island
Steel Briggs Seed Company Limited	Edmonton
Steele Robertson Limited	Boyle
Steele Robertson Limited	Edmonton
Steele Robertson Limited	Grande Prairie

Mills and Feed Warehouses

Owner or Licensee	*Address*
Airdrie Feed Service Limited	Airdrie
Alberta Flour & Feed Limited	Edmonton
Athabasca Feed & Seed Limited	Athabasca

SCHEDULE—*Continued*

MILLS AND FEED WAREHOUSES—*Continued*

Owner or Licensee	*Address*
Barrhead Feed Mill Limited	Barrhead
Beiseker Feed Mill Limited	Beiseker
Bentley Farm Supply Limited	Bentley
Burns Foods Limited (Vigor Feed Division)	Calgary
Burns Foods Limited (Vigor Feed Division)	Edmonton
Butte Feeds Limited	Picture Butte
Butterwick Farm & Ranch Supplies Limited	Rocky Mountain House
Byers Flour Mills Limited	Camrose
Calgary Co-operative Fur Farmers Association	Calgary
Calgary Feed Service Limited	Nose Creek
Calgary Feed Service Limited	Midnapore
Calmar Feed Service Limited	Calmar
Canada Packers Limited (Shur-Gain Division)	Calgary
Canada Packers Limited (Shur-Gain Division)	Edmonton
Canada Packers Limited (Shur-Gain Division)	Innisfail
Canada Packers Limited (Shur-Gain Division)	Lacombe
Canada Packers Limited (Shur-Gain Division)	Lethbridge
Canada Packers Limited (Shur-Gain Division)	Linden
Canada Packers Limited (Suhr-Gain Division)	Medicine Hat
Canada Packers Limited (Shur-Gain Division)	Ponoka
Canada Packers Limited (Shur-Gain Division)	Red Deer
Canada Packers Limited (Shur-Gain Division)	Wetaskiwin
Canwest Grain Company	Edmonton
Castor Seed & Feed Limited	Castor
Claresholm Feed Service	Claresholm
Clover Bar Machinery Industries Limited	Clover Bar
Coaldale Feed Supplies	Coaldale
Cowley Feed & Seed Service	Cowley
Crown Seed & Feed Limited	Calgary
Curtis Feed Service	Morinville
Donalda Feed Service Limited	Donalda
Drumheller Feed & Supply Limited	Drumheller
Eckville Co-operative Association Limited	Eckville
Economy Feed Service Limited	Lethbridge
Edberg Feed Service	Edberg
Ellison Milling & Elevator Company Limited	Cardston
Ellison Milling & Elevator Company Limited	Lethbridge
Ellison Milling & Elevator Company Limited	Magrath
Ellison Milling & Elevator Company Limited	Picture Butte
Ellison Milling & Elevator Company Limited	Raymond
Federated Co-operatives Limited	Calgary
Federated Co-operatives Limited	Edmonton
Foster's Seed & Feed Limited	Beaverlodge
Four-Way Wholesale	Edson
Gold Medal Feeds (1965) Limited	Calgary
Gole & Sons Producers Limited	Didsbury
Goudreau's Feed Service	Beaumont
Grande Prairie Feed Service Limited	Grande Prairie
Holt's Farm & Ranch Supplies Limited	Lloydminster
Killam Feed Mill and Farm Supplies Limited	Killam
Lamont Feed Service	Lamont
Love Feeds Limited	Calgary
Mair Feed Service Limited	Stony Plain
Manning's Feed Service	Delburne
Maple Leaf Mills Limited	Calgary
Maple Leaf Mills Limited	Edmonton
Maple Leaf Mills Limited	Medicine Hat
Mayerthorpe Feed & Seed	Mayerthorpe
McCabe Grain Company Limited	Carstairs
McCabe Grain Company Limited	Edmonton

SCHEDULE—*Continued*

MILLS AND FEED WAREHOUSES—*Continued*

Owner or Licensee	*Address*
McCabe Grain Company Limited	Okotoks
McCabe Grain Company Limited	Ponoka
McCabe Grain Company Limited	Wetaskiwin
Montalbetti Brothers Limited	Bluffton
Munro's Feed & Seed Limited	Nanton
National Grain Company Limited	Amisk
National Grain Company Limited	Chauvin
National Grain Company Limited	Delia
National Grain Company Limited	Hanna
National Grain Company Limited	Holden
National Grain Company Limited	Irma
National Grain Company Limited	Manville
National Grain Company Limited	Marwayne
National Grain Company Limited	Provost
National Grain Company Limited	Vermilion
National Grain Company Limited	Warburg
Newell Feed & Supply Limited	Brooks
North Edmonton Mobile Feed Limited	Edmonton
North West Mill & Feed Company Limited	South Edmonton
Ogilvie Flour Mills Company Limited	Edmonton
Ogilvie Flour Mills Company Limited	Medicine Hat
Okotoks Feed Service	Okotoks
Parrish & Heimbecker Limited	Big Valley
Parrish & Heimbecker Limited	Bruderheim
Parrish & Heimbecker Limited	Cochrane
Parrish & Heimbecker Limited	Crossfield
Parrish & Heimbecker Limited	High River
Parrish & Heimbecker Limited	Janet
Parrish & Heimbecker Limited	Leduc
Parrish & Heimbecker Limited	Olds
Parrish & Heimbecker Limited	Stettler
Parrish & Heimbecker Limited	Three Hills
Peace River Livestock Co-operative Limited	Fairview
Penhold Feed Service	Penhold
Red Deer Co-operative Feed Mill	Red Deer
Red Deer Seed Company Limited (Feed Division)	Red Deer
Samoil Feed Service	Lavoy
Select Feeds Limited	Taber
Shield Manufacturing Limited	Vegreville
South Edmonton Feed Mill Limited	Edmonton
Southern Feeds Limited	Lethbridge
Spruce Grove Feed & Farm Supplies Limited	Spruce Grove
Sterling Flour Mills Limited	Strome
Stettler Feed & Fertilizer Limited	Stettler
St. Paul Feed Mill	St. Paul
Sundre Feed & Farm Supplies Limited	Sundre
Superior Feed & Supply Limited	Rockyford
Superior Feed & Supply Limited	Strathmore
Swift Canadian Company Limited	Calgary
Swift Canadian Company Limited	Edmonton
Taber Feed Mill	Taber
Thorhild Feed Service	Thorhild
Thorsby Feed Service	Thorsby
United Feeds Limited	Bashaw
United Feeds Limited	Forestburg
United Feeds Limited	Innisfail
United Feeds Limited	Josephburg
United Feeds Limited	Olds
United Feeds Limited	Rimbey
United Grain Growers Limited	Clive
United Grain Growers Limited	Onoway
United Grain Growers Limited	South Edmonton

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SCHEDULE—*Concluded*

Mills and Feed Warehouses—*Continued*

Owner or Licensee	*Address*
Vermilion Feed Mill	Vermilion
Viking Feed Service	Viking
Vulcan Flour Mills	Vulcan
Westlock Feed Mill Limited	Westlock
Wetaskiwin Co-operative Association Limited	Wetaskiwin
XL Feed & Supply Limited	Bassano

MILLS AND FEED WAREHOUSES IN BRITISH COLUMBIA

Owner or Licensee	*Address*
National Grain Company Limited	Dawson Creek
North Peace Feeds Limited	Fort St. John
Sunset Seed Company Limited	Creston
United Grain Growers Limited No. 1	Dawson Creek

Seed Cleaning Mills

Owner or Licensee	*Address*
Fort St. John Seed Processors	Fort St. John
Foster's Seed & Feed Limited	Fort St. John
South Peace Grain Cleaning Co-operative	Dawson Creek

C-107.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-107.

An Act for the Parole of Steven Murray Truscott.

First reading, May 15, 1967.

MR. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26607

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-107.

An Act for the Parole of Steven Murray Truscott.

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 *Steven Murray Truscott Parole Act.*

Parole from imprisonment.

2. Notwithstanding the provisions of any other Act or of any regulations made thereunder, Steven Murray Truscott, who was convicted of murder at Goderich, Ontario, on September 30, 1959, and sentenced to death, but whose sentence of death was commuted by the Governor in Council on January 21, 1960, to a term of life imprisonment, is hereby granted parole from such imprisonment.

Effect of parole.

3. The parole granted by this Act shall have the same force and effect as if it had been granted by the National Parole Board under the provisions of the *Parole Act,* provided however that the Governor in Council may determine the length of time during which the said Steven Murray Truscott shall be under the guidance and supervision of the National Parole Board.

Coming into effect of the parole.

4. The parole granted by this Act is effective on and from the day on which this Act is given Royal Assent.

Explanatory Notes.

This Bill deals with the case of Steven Murray Truscott, who is now serving a term of life imprisonment. The Bill makes no comment, directly or indirectly, on the judgments and opinions of the various courts that have dealt with this case, with respect to Steven Murray Truscott's guilt or innocence or with respect to the question of a new trial. The courts have spoken on these matters and Parliament is not being asked by this Bill to set aside or alter the decisions of the courts.

However, Parliament does have the right to legislate with respect to the granting of parole. It has done so in general terms by the enactment of the *Parole Act* (Chapter 38 of the Statutes of 1958). The purpose of this Bill is to enable Parliament to express its will that Steven Murray Truscott should now be granted parole from his imprisonment, under the terms and conditions set out in this Bill. The granting of this parole would not prejudice his right to continue to seek a new trial or to pursue any other legal course available to him.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-108.

An Act respecting the observance of Dominion Day.

First reading, May 16, 1967.

Mr. GRAY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26323

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-108.

An Act respecting the observance of Dominion Day.

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 *Dominion Day Observance Act.*

INTERPRETATION.

Definitions. "Dominion Day." R.S. 1952, c. 88. "Employer."

2. In this Act,

(*a*) "Dominion Day" means Dominion Day as described in the *Dominion Day Act*;

(*b*) "employer" includes every person to whose orders or directions any other person is by his employment bound to conform;

"Person."

(*c*) "person" has the meaning that it has in the *Criminal Code.*

PROHIBITIONS.

No sales to be made.

3. It is not lawful for any person on Dominion Day, except as provided herein, to sell or offer for sale or purchase any goods, chattels, or other personal property, or any real estate.

SALES EXCEPTED.

Sales excepted.

4. Notwithstanding anything herein contained, any person on Dominion Day may proceed to make the following retail sales or purchases:

(*a*) drugs, medicines and surgical appliances;

(*b*) milk, bread, butter, chocolates, ice cream and soft drinks;

(*c*) cigars, cigarettes and tobacco;

Explanatory Notes.

The purpose of this Bill is to help ensure that Canada's National Day can be observed in an appropriate manner throughout our country.

(*d*) newspapers, magazines, or books if it is in a place where goods listed in paragraphs (*a*), (*b*) or (*c*) are ordinarily sold;

(*e*) food in a restaurant or at a picnic or at a celebration held on Dominion Day;

(*f*) oil, gasoline and natural gas;

(*g*) intoxicating liquors if authorized by provincial legislation;

(*h*) souvenirs in any establishment where normally the said objects are offered for sale.

OFFENCES AND PENALTIES.

Violation. Penalty.

5. Any person who violates any of the provisions of this Act is guilty of an offence punishable on summary conviction and is liable to a fine of not more than five hundred dollars and not less than fifty dollars or to imprisonment for fifteen days.

Employer authorizing. Penalty.

6. Any person who, as employer, authorizes, directs or permits anything to be done in violation of any provision of this Act is guilty of an offence punishable on summary conviction and is liable to a fine of not more than one thousand dollars and not less than one hundred dollars or to imprisonment for thirty days.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-109.

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

First reading, May 16, 1967.

Mr. GRAY.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26327

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-109.

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

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

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

1. Paragraph (*b*) of subsection (2) of section 168 of the *Criminal Code* is repealed.

2. Paragraph (*b*) of subsection (8) of section 179 of the said Act is repealed.

3. The said Act is further amended by adding thereto, immediately after section 179 thereof, the following section:

Exemption: charitable use.

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

Explanatory Notes.

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

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

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

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

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

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

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

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

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

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

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-110.

An Act to amend the Food and Drugs Act.

First reading, May 16, 1967.

Mr. ALLMAND.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26752

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-110.

An Act to amend the Food and Drugs Act.

1952-53, c. 38; 1960-61, c. 37; 1962-63, 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 Food and Drugs Act is amended by adding thereto the following Parts.

"PART IV.

SOAPS, DETERGENTS, AND CLEANSERS.

Soap, detergent or cleanser defined.

39. A soap, detergent, or cleanser includes any substance, liquid, or paste manufactured, sold, or represented for use in cleansing clothes, fabrics, china, cutlery, glass, earthenware, silver, furniture, woodwork, pottery, and other manufactured goods.

Prohibition.

40. No person shall sell any soap, detergent, or cleanser that has in it any substance that may cause injury to the health of the user when it is used according to the directions or for such purposes as are customary or usual.

Idem.

41. (1) No person shall label, package, treat, process, sell, or advertise any soap, detergent, or cleanser in a manner that is false, misleading, or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit, or safety.

If not labelled, etc. as required.

(2) Any soap, detergent, or cleanser that is not labeled or packaged as required by the regulations, or is labeled or packaged contrary to the regulations, shall be deemed to be labeled contrary to subsection (1).

Explanatory Note.

The *Food and Drugs Act* presently protects the consumer against hazardous substances and fraudulent advertising and selling for food, drugs, cosmetics, and devices. This Bill would extend that protection to:

(*a*) Soaps, detergents, and cleaners.
(*b*) Fabrics and cloth.
(*c*) Paints, dyes, and tints.

PART V.

Fabrics and Cloth.

Fabrics and cloth defined.

42. Fabrics and cloth include any fabric, cloth, or material natural or synthetic, manufactured, sold, or represented for use in the manufacture of clothing, furniture, rugs, pillows, curtains, and other fabric goods and includes manufactured clothing and fabric goods.

Application.

43. The provisions of sections 40 and 41 apply *mutatis mutandis* to fabrics and cloth.

PART VI

Paints, Dyes and Tints

Paints, dyes and tints defined.

44. Paints, dyes, or tints, shall include any substance, mixture, liquid, or paste, manufactured, sold, or represented for use in coloring, changing color, or painting any article or product.

Application.

45. The provisions of sections 40 and 41 apply *mutatis mutandis* to paints, dyes, and tints."

2. The said Act is further amended by adding the following section.

Application.

"**46.** The provisions of Part II of the Act shall apply *mutatis mutandis* to Parts IV, V, and VI."

C-111.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-111.

An Act to amend the Canada Elections Act (University Students' Franchise).

First reading, May 17, 1967.

Mr. HALES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26313

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-111.

An Act to amend the Canada Elections Act.
(University Students' Franchise).

1960, c. 39; 1963, c. 40, ss. 14 to 21. 1966-67, c. 25, c. 45.

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

Repealed.

1. Subsection (9) of section 16 of the *Canada Elections Act* is repealed.

2. Section 109 of the said Act and the heading preceding such section are repealed and the following substituted therefor:

"Voting by Canadian Forces electors, Veteran electors and Student electors at a General Election.

Canadian Forces, Veteran electors and Student electors voting at general election.

109. (1) The qualifications of Canadian Forces electors, Veteran electors and Student electors at a general election and the procedure to be followed in the taking, receiving, sorting, and counting of the votes cast by such electors shall be as set forth in *The Canadian Forces Voting Rules* in Schedule II.

Names and surnames of candidates wired to Chief Electoral Officer.

(2) The returning officer for each electoral district shall, immediately after three o'clock in the afternoon of nomination day, communicate to the Chief Electoral Officer, by telegraph, the names and surnames of all candidates officially nominated in his electoral district, as these appear in the heading of the nomination papers.

Earliest date for official addition of votes.

(3) For the purpose of a general election, the time at which the returning officer for each electoral district shall add up the number of votes cast for the several candidates shall not be earlier than Monday, the seventh day after polling day.

Explanatory Notes.

The purpose of this Bill is to avoid repetition of an unfortunate happening during the last general election when a number of university students were disenfranchised by virtue of the provisions of the *Canada Elections Act* and to place the students in the same position with respect to voting as that of the Canadian Forces electors and Veteran electors.

1. Subsection 9 of section 16 at present reads as follows:

"(9) For the purposes of a general election and notwithstanding anything in this Act, a person who, on the date of the issue of the writs therefor, is duly registered and in attendance at a recognized educational institution, and for such purpose resides in a polling division other than that in which he ordinarily resides and if he is otherwise qualified as an elector, is entitled to have his name entered on the list of electors for the polling division in which he ordinarily resides and on the list of electors for the polling division in which he resides on the date of the issue of the said writs, and to vote in either one of such polling divisions as he may elect."

2. The heading preceding section 109 and section 109 are amended by adding to the enumeration of Canadian Forces electors and Veteran electors, a new class, that of Student electors.

Results of voting by Canadian Forces electors, Veteran electors and Student electors included with civilian vote.

(4) The Chief Electoral Officer shall, on a day not later than the Saturday next following polling day, inform, by telegraph, the returning officer of every electoral district as to the total number of votes cast by Canadian Forces electors, Veteran electors and Student electors, in every voting territory, for each candidate in his electoral district, under the procedure set forth in *The Canadian Forces Voting Rules* in Schedule II; the returning officer shall thereupon enter on his recapitulation sheets such total number of votes cast for each candidate, and shall deal with such telegraphic communication as though it were an official statement of the poll completed by one of his deputy returning officers.

Adjournment of official addition of votes.

(5) If the result of the vote taken under the procedure set forth in *The Canadian Forces Voting Rules* in Schedule II, has not been communicated by the Chief Electoral Officer to the returning officer on the day fixed for the official addition of the votes, the returning officer shall adjourn the proceedings to a future day and hour."

Application of rules.

3. *The Canadian Forces Voting Rules* as contained in Schedule II of the Canada Elections Act shall apply *mutatis mutandis* to students who are duly registered and in attendance at recognized educational institutions.

Application of Act.

4. This Act shall apply only to students who wish to avail themselves of its provisions and shall not prevent a student to vote in the electoral district in which he has his ordinary residence.

REPRINT

C-112.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-112.

An Act to incorporate Aetna Casualty Company of Canada.

First reading, May 18, 1967.

Mr. CAMERON (*High Park*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26803

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-112.

An Act to incorporate Aetna Casualty Company of Canada.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. Albert Bruce Matthews, executive, Melvin Kirkland Kenny, insurance executive, John Hamilton Cameron Clarry, one of Her Majesty's Counsel, Granville Patrick Harcourt Vernon, one of Her Majesty's Counsel, Peter Greer Beattie, solicitor, and Stephen Clifford Smith, solicitor, all of the city of Toronto, in the province of Ontario, together with such other persons as become shareholders of the company, are incorporated under the name of Aetna Casualty Company of Canada, and, in French, La Compagnie Aetna Casualty du Canada, hereinafter called "the Company".

Corporate name.

Provisional directors.

2. The persons named in section 1 shall be the provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be five million dollars divided into shares of fifty dollars each.

Subscription before general meeting.

4. The amount to be subscribed before the general meeting for the election of directors is called shall be five hundred thousand dollars.

Head office.

5. The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Classes of insurance authorized.

6. The Company may undertake, transact and make contracts of insurance in any one or more of the following classes of insurance:

(*a*) fire insurance;
(*b*) accident insurance;
(*c*) aircraft insurance;
(*d*) automobile insurance;
(*e*) boiler insurance;
(*f*) credit insurance;
(*g*) earthquake insurance;
(*h*) explosion insurance;
(*i*) falling aircraft insurance;
(*j*) forgery insurance;
(*k*) guarantee insurance;
(*l*) hail insurance;
(*m*) impact by vehicles insurance;
(*n*) inland transportation insurance;
(*o*) live stock insurance;
(*p*) machinery insurance;
(*q*) marine insurance;
(*r*) personal property insurance;
(*s*) plate glass insurance;
(*t*) real property insurance;
(*u*) sickness insurance;
(*v*) sprinkler leakage insurance;
(*w*) theft insurance;
(*x*) water damage insurance;
(*y*) weather insurance; and
(*z*) windstorm insurance.

Subscription and payment of capital before commencing business.

7. The Company shall not commence any business of insurance until at least five hundred thousand dollars of its capital stock has been bona fide subscribed and at least that amount paid thereon, together with a contribution to surplus of at least five hundred thousand dollars. The Company may then transact business in any one or more classes of insurance authorized by section 6 of this Act.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

8. The *Canadian and British Insurance Companies Act* shall apply to the Company.

C-113.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-113.

An Act to incorporate Commercial Solids Pipe Line Company.

First reading, May 18, 1967.

Mr. BASFORD

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26743

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-113.

An Act to incorporate Commercial Solids Pipe Line Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. Robert Pierce Ritchie, executive, James Edward Hughes, one of Her Majesty's Counsel, Thomas Benedict Oliver McKeag, barrister-at-law, and Clarence Herbert Tew, manager, all of the municipality of Metropolitan Toronto, in the province of Ontario, together with such other persons as become shareholders in the company, are incorporated under the name of Commercial Solids Pipe Line Company, and, in French, Compagnie des Pipe-Lines Commerciaux pour Solides, hereinafter called "the Company".

Corporate name.

Directors.

2. (1) The Persons named in section 1 of this Act shall be the first directors of the Company.

(2) No person shall be elected as a director unless he is a shareholder owning shares absolutely in his own right, and not in arrear in respect of any call thereon:

Proviso.

Provided that a person may become a director if he becomes a shareholder within ten days of his election.

(3) The majority of the directors of the Company shall, at all times, be persons resident in Canada and Canadian citizens.

Capital stock.

3. The capital stock of the Company shall consist of ten million shares without nominal or par value.

Head office.

4. (1) The head office of the Company shall be in the municipality of Metropolitan Toronto, in the province of Ontario, which head office shall be the domicile of the Company in Canada, and the Company may establish such other offices and agencies elsewhere within or without Canada as it seems expedient.

(2) The Company may, by by-law, change the place where the head office is to be situate to any other place in Canada.

(3) Notice in writing shall be given to the Registrar General of Canada by the Company of any change of location of the head office, and such notice shall be published forthwith in the *Canada Gazette*.

Legislation relating to pipe line applicable.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of all general legislation relating to pipe lines enacted by Parliament.

Power to construct and operate pipe line.

6. The Company, subject to the provisions of any general legislation relating to pipe lines enacted by Parliament, may

(*a*) within or outside Canada, construct, purchase, lease or otherwise acquire, and hold, develop, operate, maintain, control, lease, mortgage, hypothecate, create liens or other security upon, sell, convey, or otherwise dispose of any and all pipe lines and all appurtenances relative thereto for the gathering, processing, refining, treating, transmitting, transporting, storing and delivering of solids, liquids and gases, or any of them, and all works relative thereto for use in connection with the said pipe lines; and buy or otherwise acquire, process, refine, treat, transmit, transport and sell or otherwise dispose of and distribute any solids, liquids and gases, or any of them; and own, lease, sell, operate and maintain aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype, telegraph and microwave or television communication systems, and, subject to the *Radio Act*, and any other statute relating to radio, microwave or television, own, lease, operate and maintain interstation radio, microwave or television communication facilities;

R.S., c. 233; 1952-53, c. 48; 1953-54, c. 31; 1955, c. 57.

Power to hold land.

(*b*) purchase, acquire, hold, lease, sell, improve, alienate, exchange or otherwise deal in any property, real or personal, movable or immovable, or any interest and rights therein, legal or equitable or otherwise howsoever, and deal with any portion of the lands and property so acquired; and

Ancillary powers.

(*c*) exercise, as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs (*a*) to (*bb*) inclusive of subsection (1) of section 14 of the *Canada Corporations Act*.

Sections of the *Canada Corporations Act* to apply.

R.S., c. 53; 1964–65, c. 52.

7. The provisions of subsections (7), (8), (9), (10), (10a), (11), (12) and (13) of section 12, and subsection (2) of section 14, and sections 15, 19, and subsection (1) of section 20, and subsection (2) of section 22, and sections 35, 36, 37, 39, 40, 62, 63, 64, 65, 83(3), 84, 87, 91 and 94, and paragraphs (*a*) and (*b*) of subsection (1) of section 103, section 105, and subsection (6) of section 108, and sections 110, 130, 134, 135, 136 and 137 of Part I of the *Canada Corporations Act* apply to the Company: Provided that wherever in the said sections and subsections the words "letters patent" or "supplementary letters patent" appear, the words "Special Act" shall be substituted therefor.

Sections not to apply.

8. Sections 153, 155, 163, 167, 172, 180, 189, 190 and 194 of Part III of the *Canada Corporations Act* shall not be incorporated with this Act.

Share warrant.

9. The Company is authorized with respect to any fully paid shares to issue under the seal of the Company a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified with all the powers, privileges and immunities conferred by but subject to all the limitations and provisions of section 35 of the *Canada Corporations Act*.

Commission on subscription.

10. The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares, bonds, debentures, debenture stock or other securities of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom.

Proviso.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-114.

An Act to incorporate United Investment Life Assurance Company.

First reading, May 18, 1967.

Mr. WAHN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26768

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-114.

An Act to incorporate United Investment Life Assurance Company.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. Rodney Stewart Craik Donald, executive, Gordon Ernest Eddolls, executive, John Morrow Godfrey, one of Her Majesty's Counsel, Alexander McDougall McBain, executive, and Graham Martin MacLachlan, executive, all of the city of Toronto, in the province of Ontario, together with such other persons as may become shareholders in the company, are incorporated under the name of United Investment Life Assurance Company, and, in French, La Compagnie d'Assurance Vie United Investment, hereinafter called "the Company".

Corporate name.

Provisional directors.

2. The persons named in section 1 shall be the provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be two million dollars divided into shares of ten dollars each.

Subscription and payment before general meeting.

4. The amount to be subscribed and fully paid before the general meeting for the election of directors is called shall be five hundred thousand dollars.

Subscription and payment before commencing business.

5. The Company shall not commence any business of insurance until at least five hundred thousand dollars of its capital stock have been bona fide subscribed and at least that amount paid thereon together with a contribution to surplus of five hundred thousand dollars.

Head office.

6. The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Classes of insurance authorized.

7. The Company may make contracts of insurance in any one or more of the following classes of insurance:

(*a*) life insurance;

(*b*) personal accident insurance; and

(*c*) sickness insurance.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11; 1960-61, c. 13; 1964-65, c. 40.

8. The *Canadian and British Insurance Companies Act* shall apply to the Company.

C-115.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-115.

An Act to amend the Criminal Code (Destruction of Criminal Records).

First reading, May 18, 1967.

Mr. TOLMIE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26778

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

BILL C-115.

An Act to amend the Criminal Code (Destruction of Criminal Records).

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

1. The *Criminal Code* is amended by inserting therein, immediately after section 655, the following:

Offence deemed not to have been committed.

"**655A.** (1) Subject to the provisions of subsection (3), everyone convicted of an offence or indictable offence under this Act, who, for a period of twelve years after he has served the sentence imposed on him as a result of this sole offence, has not been convicted of another offence or indictable offence under this Act, shall, for the purposes of this Act, be deemed not to have committed the offence for which he was convicted.

Offenders under twenty-one years of age.

(2) Subject to the provisions of subsection (3), everyone convicted of an offence or indictable offence under this Act when he was under twenty-one years of age, shall, upon attaining that age, be deemed not to have committed the offence or indictable offence for which he was convicted, provided that he had been convicted for only one offence; if, at any time he has been convicted of more than one offence, a court of criminal jurisdiction may, in its discretion, having regard to all circumstances surrounding the case, upon application of any interested party, make an order to the effect that the said person shall be deemed not to have committed the offences or indictable offences of which he was convicted.

Explanatory Notes.

The purpose of this Bill is twofold. Firstly, to erase criminal records incurred by minors who, upon reaching their majority, have become respectable members of society; secondly, to relieve adults who have paid their debt to society and taken their place as law-abiding citizens, from the continuing stigma and harassment of past criminal records.

Saving.

(3) This section shall not apply in the case of an indictable offence punishable by death or imprisonment for life.

Records and files to be destroyed.

(4) Notwithstanding anything in this or any other Act, all records and files respecting a hearing or disposal of any case mentioned in this section shall be destroyed by the officer having the custody thereof, immediately after the persons referred to in this section shall be deemed not to have committed the offences of which they were convicted."

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-116.

An Act concerning the Weight and Price of Products.

First reading, May 19, 1967.

Mr. ASSELIN (*Richmond-Wolfe*).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26723

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-116.

An Act concerning the Weight and Price of Products.

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 *Products Weight and Price Act.*

INTERPRETATION.

Interpretation.

2. In this Act, the word "product" means food, cleaning product or other object of the same nature sold at retail for household consumption.

WEIGHT AND PRICES.

Imperative labeling.

3. No person shall sell, offer for sale, expose for sale, have in possession for sale or distribute a product unless its weight in ounces and its price per ounce are clearly and legibly stated on a label affixed thereto.

PENALTY.

Penalty.

4. Every person who violates the provisions of the preceding section is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding fifteen days or to both fine and imprisonment.

Explanatory Notes.

The purpose of this Bill is to provide that in retail sales of household products as defined in this Bill the weight and price per ounce shall be indicated on a label affixed to the said product.

The consumer will then be in a position to compare the real prices of two similar products sold in different sizes.

C-117.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-117.

An Act to amend the Merchant Seamen Compensation Act.

First reading, May 24, 1967.

Mr. O'KEEFE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26783

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-117.

An Act to amend the Merchant Seamen Compensation Act.

R.S., c. 178; 1952-53, c. 16; 1957, c. 9; 1964-65, c. 45.

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

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

Where no widow.

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

Explanatory Notes.

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

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

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

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

C-118.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-118.

An Act to amend the Immigration Act.

AS PASSED BY THE HOUSE OF COMMONS,
25th MAY, 1967.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26268

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-118.

An Act to amend the Immigration Act.

R.S., c. 325; 1966-67, c. 25, s. 39.

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

1. Subsection (5) of section 69 of the *Immigration Act* is repealed and the following substituted therefor:

Limitation.

"(5) The total amount of outstanding advances to the Minister under this section shall not at any one time exceed twenty million dollars."

Explanatory Note.

The purpose of this Bill is to increase from twelve million dollars to twenty million dollars the present limit on the total amount of outstanding advances at any one time that may be made to enable the Minister of Manpower and Immigration to make loans to immigrants to assist them with the expenses of their transportation to Canada.

Section 69 at present reads as follows:

"**69.** (1) The Minister of Finance may from time to time advance to the Minister out of the Consolidated Revenue Fund of Canada such sums as the Minister may require to enable him to make loans to immigrants in respect of the costs of their transportation to Canada, transportation from the port of arrival to their place of destination in Canada and their reasonable living expenses en route from the place whence they came to the place of destination in Canada.

(2) The Governor in Council may make regulations to give effect to subsection (1), including the rate of interest, if any, to be charged on such loans and the terms of repayment.

(3) Expenditures that are made under subsection (1) shall be accounted for in the same manner as public moneys.

(4) The Minister shall pay to the Minister of Finance all moneys he receives from immigrants by way of repayments of loans made under subsection (1).

(5) The total amount of outstanding advances to the Minister under this section shall not at any one time exceed *twelve* million dollars.

(6) The Minister shall within three months after the termination of each fiscal year or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session, lay before Parliament a report setting out the total number and amount of loans made under subsection (1) during that year."

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-119.

An Act to amend the Tobacco Restraint Act.

First reading, May 29, 1967.

Mr. YANAKIS.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26787

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-119.

An Act to amend the Tobacco Restraint Act.

R.S., c. 266.

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

1. The *Tobacco Restraint Act* is amended by inserting immediately after section 1 thereof the following title:

"Part I".

"PART I".

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

"Cigarette".

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

3. The said Act is further amended by inserting immediately after section 8 thereof the following:

"PART II.

Stipulation that product may be injurious to health.

9. Every manufacturer of cigarettes or tobacco for cigarettes is guilty of an offence and liable on summary conviction to a penalty not exceeding one thousand dollars, who refuses, fails or neglects to stipulate on the package of cigarettes or on the package of tobacco for cigarettes manufactured by him that the said product may be injurious to health."

Coming into force.

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

Explanatory Notes.

The purpose of this Bill is to force the manufacturers of cigarettes to stipulate on their products that the said products may be injurious to health.

In order that the parties affected may have time to prepare for compliance of the Act, a clause provides that this Act becomes effective only upon proclamation of the Governor in Council.

C-120.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-120.

An Act to amend the Indian Act
(Rights Guaranteed by Treaties).

First reading, May 29, 1967.

Mr. SCHREYER.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26727

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-120.

An Act to amend the Indian Act
(Rights Guaranteed by Treaties).

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 87 of the *Indian Act* is amended by adding thereto the following subsection:

"(2) Notwithstanding anything in this or any other Act, a statute or a law of general application adopted by the Parliament of Canada, which by implication or otherwise affects the rights and privileges granted to Indians by treaties, shall not take away the said rights and privileges unless it is specifically so declared therein."

Rights not affected unless so declared.

Explanatory Notes.

Under the existing law as construed by the Supreme Court of Canada, and more specifically as established in the case of *Regina v. George,* 55 D.L.R. (2d), 386, the reference to treaties in section 87 of the *Indian Act* was intended to make provincial laws applicable to Indians in a way that would preclude any interference with rights under treaties resulting from the impact of provincial legislation but section 87 cannot be construed as a declaration of the paramountcy of treaties over federal legislation.

The purpose of this Bill is to provide that any federal statute that affects the rights and privileges granted to Indians by treaties shall not take away such rights and privileges unless it is specifically so declared in the said statute.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-121.

An Act to amend the Canadian Citizenship Act.

First reading, May 30, 1967.

Mr. OTTO.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26799

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-121.

An Act to amend the Canadian Citizenship Act.

R.S., c. 33; 1952–53, c. 23; 1953–54, c. 34; 1956, c. 6; 1958, c. 24; 1966–67, c. 25, s. 42.

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

1. The *Canadian Citizenhip Act* is amended by adding immediately after section 14 thereof, the following:

Certificate to be granted in certain cases.

"**14A.** (1) Notwithstanding the provisions of Part II of this Act, the Minister shall grant a certificate of citizenship to any person who is not a Canadian citizen and who makes application for that purpose and satisfies the Court that

(*a*) he had been lawfully admitted to Canada for permanent residence on or before the 1st of July, 1967;

(*b*) he is of good character;

(*c*) he intends to comply with the Oath of Allegiance set forth in the second schedule of this Act;

(*d*) he intends to have his place of domicile permanently in Canada.

Minor child.

(2) The Minister shall grant a certificate of citizenship to a minor child of a person who had been lawfully admitted to Canada for permanent residence on or before the 1st of July, 1967 if the application is made by the responsible parents of the child or by a person authorized by the regulations made under this Act."

Coming into force.

2. This Act shall be deemed to have come into force on the 1st day of July, 1967.

C-122.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-122.

An Act to amend the Criminal Code (Abortion).

First reading, May 30, 1967.

Mrs. MacInnis.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26791

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-122.

1953–54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957–58, c. 28; 1958, c. 18; 1959, c. 41; 1960, c. 37; 1960–61, cc. 21, 42, 43, 44; 1962–62, c. 4; 1963, c. 8; 1964–65, cc. 35, 53; 1966–67, c. 23, c. 25, s. 45.

An Act to amend the Criminal Code (Abortion).

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

Protection in certain cases of abortion.

"(2) Notwithstanding the provisions of subsection (1) of this section, and of sections 237 and 238 of this Act, a person shall not be guilty of an offence of killing an unborn child or of procuring miscarriage when a pregnancy is terminated by a registered medical practitioner if that practitioner and another medical practitioner, acting in good faith, are of the opinion

(*a*) that the continuance of the pregnancy would involve serious risk to the life or grave injury to the health, either physical or mental, of the pregnant woman;

(*b*) that there is a substantial risk of a defective child being born; or

(*c*) that the pregnancy is a result of rape or incest."

Explanatory Notes.

The purpose of this Bill is to legalize the termination of a pregnancy under certain definite circumstances, by a registered medical practitioner if that practitioner and another registered medical practitioner are of the opinion, formed in good faith, that the continuance and natural outcome of such a pregnancy would be harmful.

Section 209 at present reads as follows:

"**209.** (1) Every one who causes the death of a child that has not become a human being, in such a manner that, if the child were a human being, he would be guilty of murder, is guilty of an indictable offence and is liable to imprisonment for life.

(2) This section does not apply to a person who, by means that, in good faith he considers necessary to preserve the life of the mother of a child that has not become a human being, causes the death of the child."

C-123.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-123.

An Act to amend the Criminal Code (Birth Control).

First reading, May 30, 1967.

Mr. WAHN.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26815

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-123.

An Act to amend the Criminal Code (Birth Control).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37; c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10, cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

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 45, the following:

Protection in certain cases of birth control.

"**45A.** No person shall be convicted of an offence under sections 209, 237 or 238 of this Act for terminating, or attempting or permitting or assisting in the termination of, a pregnancy or supplying or procuring anything for that purpose, if the pregnant woman requests termination of her pregnancy and the termination of such pregnancy is desirable in order to preserve the life or the mental or physical health of the pregnant woman and it takes place in an active treatment public hospital by or under the supervision of a duly qualified medical practitioner after consultation with and approval of the abortion committee established in such hospital, if such a committee has been established, or, if no such committee has been established, after consultation with and approval of at least one other qualified medical practitioner; provided, however, that if such pregnant woman is married, the consent of her husband shall be obtained, if he is reasonably available to give consent, and provided that if such pregnant woman is unmarried but is under the age of eighteen years, the consent of one of her parents or a guardian shall be obtained, if any such parent or guardian is reasonably available to give consent.

Explanatory Notes.

The purpose of this bill is to exclude criminal liability, in circumstances where there is no serious danger to the public interest, in respect of acts of birth control which more properly should be left to the individual conscience and to ecclesiastical and moral laws and not made the subject of criminal legislation.

Clause 1: This clause excludes criminal liability if a pregnancy is terminated for the purpose of preserving the life or the physical or mental health of the pregnant woman, subject to compliance with carefully prescribed safeguards. Termination of pregnancy in such circumstances has been recommended in a Report to the Council of the Ontario Medical Association made by its Committee on Therapeutic Abortion which report has been approved by the Council of the Ontario Medical Association.

Clause 2: This clause repeals the prohibition on the distribution of birth control information or devices, but retains the prohibition against advertising (otherwise than in medical journals) articles designed to cause abortions or miscarriages.

2. Paragraph (*c*) of subsection (2) of section 150 of the said Act is repealed and the following substituted therefor:

"(*c*) advertises or publishes an advertisement (otherwise than in a publication primarily intended for circulation among members of the medical or nursing professions) of any means, instructions, medicine, drug or article intended or represented as a method of causing abortion or miscarriage, or"

C-124.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-124.

An Act respecting Canada Day.

First reading, May 31, 1967.

Mr. FOREST.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26774

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-125.

An Act to amend the Territorial Sea and Fishing Zones Act.

First reading, May 31, 1967.

Mr. HOWARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26824

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-125.

An Act to amend the Territorial Sea and Fishing Zones Act.

1964-65 c. 22; 1966-67, c. 25, s. 45.

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

1. Section 5 of the *Territorial Sea and Fishing Zones Act* is repealed and the following substituted therefor:

"**5.** (1) (*a*) On the west coast of Canada the baseline referred to in section 3 shall commence at the seaward end of the International Boundary in Juan de Fuca Strait, of which seaward end the geographical co-ordinates are:
48° 29′ 40″ N., 124° 43′ 35″ W.

(*b*) The baseline shall then proceed in a straight line from the geographical co-ordinate described in paragraph (*a*) hereof to:

48° 43′ 11″ N.	125° 06′ 02″ W.
thence to 48° 52′ 48″ N.	125° 29′ 12″ W.
thence to 48° 55′ 11″ N.	125° 32′ 26″ W.
thence to 49° 22′ 36″ N.	126° 32′ 58″ W.
thence to 50° 06′ 37″ N.	127° 56′ 34″ W.
thence to 50° 51′ 16″ N.	129° 05′ 30″ W.
thence to 51° 55′ 20″ N.	131° 00′ 19″ W.
thence to 52° 13′ 10″ N.	131° 25′ 38″ W.
thence to 52° 48′ 00″ N.	132° 14′ 02″ W.
thence to 53° 05′ 09″ N.	132° 34′ 50″ W.
thence to 53° 32′ 54″ N.	133° 01′ 09″ W.
thence to 53° 56′ 18″ N.	133° 12′ 05″ W.
thence to 54° 09′ 46″ N.	133° 07′ 38″ W.
thence to 54° 14′ 45″ N.	133° 05′ 02″ W.
and shall terminate at 54° 39′ 45″ N.	132° 40′ 57″ W.

Explanatory Note.

The *Territorial Sea and Fishing Zones Act* provides that Canada's Territorial Sea and her Fishing Zones shall be measured from baselines which are straight lines joining consecutive geographical co-ordinates of points. The Governor in Council may issue lists of such geographical co-ordinates.

When the *Territorial Sea and Fishing Zones Act* was considered in 1964 the Minister of Fisheries, the Honourable Hédard J. Robichaud, on June 4, 1964 told the Standing Committee on Marine and Fisheries that:

> "At the same time no one can deny that the establishment of a 12 mile fishing zone and a straight baseline system will in the future preserve for our coastal fishermen areas of fishing without interference from fishermen of many other countries and, in the meantime, will prevent the further influx of powerful fishing fleets from countries which have not heretofore fished off Canada's coasts."

During the fall months of 1965 a large section of the Russian fishing fleet was observed fishing off Canada's West Coast.

To date no list of geographical co-ordinates has been issued.

The purpose of this Bill is to establish a list of geographical co-ordinates for the West coast of Canada with the points within that list being such that our baseline will enclose the important waters of Queen Charlotte Sound, Hecate Strait and Dixon Entrance as Canadian waters.

(2) In addition to the geographical co-ordinates described in subsection (1) hereof the Governor in Council may, by order in council, issue one or more lists of geographical co-ordinates of points from which baselines may be determined and may, as he deems necessary, amend such lists.

(3) In respect of any area for which geographical co-ordinates of points have been listed in a list issued pursuant to subsection (2) and subject to any exceptions in the list for the use of the low water line along the coast as the baseline between given points, baselines are straight lines joining the consecutive geographical co-ordinates of points so listed.

(4) In respect of any other area and until such time as geographical co-ordinates of points have, for such other area, been listed in a list issued pursuant to subsection (2), baselines remain those applicable immediately before the coming into force of this section.

(5) Where, in his opinion, a portion of the territorial sea of Canada or a portion of the fishing zones of Canada, determined, respectively, in accordance with subsection (1) of section 3 or subsection (1) of section 4, would conflict with the territorial sea of a country other than Canada or would be unreasonably close to the coast of a country other than Canada, the Governor in Council may, by order in council, issue a list of geographical co-ordinates of points from which,

(*a*) in respect of the portion of the territorial sea of Canada designated in the list, an outer limit line may be determined in substitution for the territorial sea outer limit line described in subsection (1) of section 3, and

(*b*) in respect of the portion of the fishing zones of Canada designated in the list, an outer limit line may be determined in substitution for the fishing zone outer limit line described in subsection (1) of section 4,

and the outer limit lines referred to in paragraphs (*a*) and (*b*) shall, thereupon, be substituted except that this subsection shall not apply to the geographical co-ordinates described in subsection (1).

(6) Where an outer limit line of a portion of the territorial sea of Canada has been substituted pursuant to subsection (5) of this section, section 4 shall not apply to create a contiguous fishing zone in respect of such portion.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-126.

An Act to amend the Fisheries Act.

First reading, June 2, 1967.

Mr. O'KEEFE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26805

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-126.

An Act to amend the Fisheries Act.

R.S., 1952, c. 119; 1960–61, c. 23; 1964, c. 22.

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

Designated areas.

1. The *Fisheries Act* is hereby amended by adding after section 34, the following:

"**34A.** Notwithstanding anything in this Act, draggers may be prohibited from any fishing operations in areas designated by the Minister within a distance of 12 miles from the shore line of the Province of Newfoundland."

Explanatory Notes.

There have been complaints that fishing vessels on the coast off some parts of Newfoundland have been in some cases destroying the fishing grounds and equipment of inshore fishermen and in other cases, that these vessels have hampered their fishing operations.

It is with a view to restrict the fishing operations of these vessels that this Bill is introduced and by so doing to restrict certain inshore fishing grounds for the exclusive use of inshore fishermen.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-127.

An Act to amend the Industrial Relations and Disputes Investigation Act (Meaning of "Unit").

First reading, June 2, 1967.

Mr. ALLARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26836

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-127.

An Act to amend the Industrial Relations and Disputes Investigation Act (Meaning of "Unit").

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

R.S., c. 152.

1. Subsection (3) of section 2 of the *Industrial Relations and Disputes Investigation Act* is repealed and the following substituted therefor:

"Unit."

"(3) For the purposes of this Act a "unit" means a group of employees whether local, regional or national and "appropriate for collective bargaining" with reference to a unit, means a unit that is appropriate for such purposes whether it be an employer unit, craft unit, technical unit, plant unit, or any other unit and whether or not the employees therein are employed by one or more employer."

"Appropriate for collective bargaining."

Explanatory Note.

The purpose of this bill is to clarify the wording of subsection (3) of section 2 of the *Industrial Relations and Disputes Investigation Act*, so that it will be understood that the word "unit" will mean not only a group of employees but a group of employees whether the said group be local, regional or national.

C-128.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-128.

An Act to amend the Industrial Relations and Disputes Investigation Act
(Powers of Chairman and of the Board).

First reading, June 7, 1967.

Mr. ALLARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26884

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-128.

An Act to amend the Industrial Relations and Disputes Investigation Act
(Powers of Chairman and of the Board)

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. Subsection (2) of section 61 of the *Industrial Relations and Investigation Act* is repealed and the following substituted therefore:

Decision of Chairman final and conclusive.

"(2) If in any proceeding before the Board a question arises under this Act concerning a conflict between two or more trade unions who make application to the Board to be certified as bargaining agent of the employees in the unit, each one claiming to represent such employees, the Chairman shall decide the question and his decision shall be final and conclusive for all the purposes of this Act.

Decision of the Board may be varied or revoked.

(3) A decision or order of the Board with respect to the matters enumerated in subsection (1) is final and conclusive and not open to question, or review, but the Board may, if it considers it advisable so to do, reconsider any decision or order made by it under this Act, and may vary or revoke any decision or order made by it under this Act.

Decision of Chairman may be varied or revoked.

(4) A decision or order of the Chairman with respect to the matter referred to in subsection (2) is final and conclusive and not open to question, or review, but the Chairman may, if he considers it advisable so to do, reconsider any decision or order made by him under this Act, and may vary or revoke any decision or order made by him under this Act."

Explanatory Notes.

The purpose of this Bill is to give the Chairman of the Canada Labour Relations Board the right, now exercised by the whole Board, to decide the question concerning a conflict between two or more trade unions who make application to the Board to be certified as bargaining agent of the employees in the unit, each one claiming to represent such employees.

Section 61 now reads as follows:

"**61.** (1) If in any proceeding before the Board a question arises under this Act as to whether

(*a*) a person is an employer or employee;

(*b*) an organization or association is an employers' organization or a trade union;

(*c*) in any case a collective agreement has been entered into and the terms thereof and the persons who are parties to or are bound by the collective agreement or on whose behalf the collective agreement was entered into;

(*d*) a collective agreement is by its terms in full force and effect;

(*e*) any party to collective bargaining has failed to comply with paragraph (*a*) of section 14 or with paragraph (*a*) of section 15;

(*f*) a group of employees is a unit appropriate for collective bargaining;

(*g*) an employee belongs to a craft or group exercising technical skills; or

(*h*) a person is a member in good standing of a trade union;

the Board shall decide the question and its decision is final and conclusive for all the purposes of this Act.

(2) A decision or order of the Board is final and conclusive and not open to question, or review, but the Board may, if it considers it advisable so to do, reconsider any decision or order made by it under this Act, and may vary or revoke any decision or order made by it under this Act."

C-129.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-129.

An Act respecting Canada Day.

First reading, June 9, 1967.

MR. KNOWLES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26900

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-129.

An Act respecting Canada Day.

R.S., c. 88.

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

Short title.

1. This Act may be cited as *Canada Day Act.*

Canada Day a holiday.

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

When 1st of July is a Sunday.

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

When 1st of July is a Saturday.

4. When the first day of July is a Saturday, it shall be a legal holiday to be kept and observed under the name of Canada Day, as provided in section 2, and the Monday immediately following shall also be kept and observed as a legal holiday.

Repeal.

5. The *Dominion Day Act*, chapter eighty-eight of the Revised Statutes of Canada, 1952, is repealed.

Explanatory Notes.

The purposes of this Bill are as follows:

(1) To change the name of Canada's national holiday from Dominion Day to Canada Day, and to provide for it to continue to be observed, except as indicated below, on July 1;

(2) To continue the practice of observing our national holiday on Monday, July 2, in any year in which July 1 falls on a Sunday; and

(3) To provide that in any year in which July 1 falls on a Saturday, Canada Day shall be observed that day, but that Monday, July 3, shall also be a legal holiday.

C-130.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-130.

An Act to amend the Financial Administration Act (Parliamentary Commissioner for Administration).

First reading, June 13, 1967.

Mr. THOMPSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26864

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-130.

R.S., c. 116, 1955, c. 3; 1958, c. 31; 1960, c. 41, s. 16; 1960-61, c. 48; 1963, c. 3, s. 18, c. 41, s. 2. 1966-67, c. 25, ss. 32, 33, c. 74.

An Act to amend the Financial Administration Act (Parliamentary Commissioner for Administration).

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 75 thereof the following heading and sections.

"Parliamentary Commissioner for Administration

The Auditor General to act as Parliamentary Commissioner for Administration.

75A. (1) It shall be the function of the Auditor General to act as Parliamentary Commissioner for Administration (hereinafter called the Commissioner) and in that capacity, it shall be his duty to investigate the administration, by a power or authority or officer of such power or authority, of any law of Canada whereby any person is aggrieved or, in the opinion of the Commissioner, may be aggrieved.

To act at the instance of members of the House of Commons.

(2) The Commissioner shall act only at the instance of a member of the House of Commons, as the elective representative body in Parliament, and on a complaint of personal injustice suffered by a complainant.

Members to decide.

(3) It shall be the duty and function of each member of Parliament to decide whether the complaint appears to be one appropriate for reference to the Commissioner.

Refusal to investigate.

75B. (1) The Commissioner, in his discretion, may refuse to investigate or may cease to investigate a grievance if

(*a*) a remedy already exists;

(*b*) it is trivial, frivolous or vexatious; or

(*c*) upon a balance of convenience between the private interest of the person aggrieved and the public interest, the Commissioner is of opinion the grievance should not be investigated.

Notice of refusal.

(2) Where the Commissioner decides that he will not investigate or that he will cease to investigate a grievance he shall so inform the member of the House of Commons and any other interested person.

Notice of investigation.

75c. (1) Before investigating a grievance, the Commissioner shall inform the power or authority or officer of such power or authority administering the law of Canada whereby any person is aggrieved or, in his opinion, may be aggrieved, of his intention to investigate.

Practice where *prima facie* case.

(2) If the Commissioner is satisfied there is *prima facie* evidence that a power or authority or officer of such power or authority so administered a law of Canada as thereby to cause a grievance or so administers such law as thereby may give cause for grievance, he shall so advise the power or authority or officer and shall give it or him an opportunity to be heard.

Breach of duty or misconduct by officer.

(3) If, during or after an investigation, the Commissioner is of opinion there is evidence of a breach of duty or misconduct by an officer of a power or authority, he shall refer the evidence to the power or authority.

Commissioner's power and authority.

75d. (1) Subject to this Act and to any rules or orders of Parliament in respect of his office, the Commissioner has power and authority to investigate to the extent and by such means as he deems will best achieve the purpose of this Act.

Inquiries Act.

(2) Without limiting the power and authority of the Commissioner under the preceding subsection, he shall have the powers of a commissioner under the *Inquiries Act.*

Action where grievance adjudged.

75e. (1) Where, upon investigation, the Commissioner adjudges that a grievance exists or may exist because a power or authority or officer of such power or authority administered or is administering, as the case may be, a law of Canada

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

(*b*) under mistake of law or of fact, in whole or in part; or

(*c*) wrongly; or

(*d*) contrary to law; or

(*e*) by using a discretionary power for an improper purpose, or on irrelevant grounds, or by taking irrelevant considerations into account, or by failing to give reasons for the use of a discretionary power when reasons should have been given; and

if the Commissioner is of opinion that

(*a*) the grievance should be referred to the power or authority or officer of such power or authority for further consideration; or

(*b*) an omission should be rectified; or

(*c*) a decision should be cancelled or rectified; or

(*d*) a practice by reason of which the grievance arose or may arise should be altered; or

(*e*) a law by reason of which the grievance arose or may arise should be reconsidered; or

(*f*) reasons should be given for the use of a discretionary power; or

(*g*) other steps should be taken as he may advise; then

the Commissioner shall report his adjudgment with his reasons therefor to the power or authority with such recommendations as he may think fit and, where he so recommends, he may request the power or authority to notify him, within a time limited, what the power or authority proposes to do thereon.

Where power or authority fails to remedy.

(2) Where the power or authority, after the lapse of a period deemed reasonable by the Commissioner, does not act upon the Commissioner's recommendations, refuses to act thereon, or acts in a manner unsatisfactory to the Commissioner, he may send a copy of his report and recommendations, with any comment he may wish to add thereto, to the Prime Minister, and may thereafter make such report to Parliament as he thinks fit.

Comments of power or authority.

(3) The Commissioner shall include with any report sent or made under subsection (2) a copy of any comment made by the power or authority upon his adjudgment or recommendations.

Opportunity to be heard.

(4) In any report made by him under this Act, the Commissioner shall not make any finding or comment that is adverse to any person unless he gives that person an opportunity to be heard.

Recommendations: petitioner informed.

75F. (1) Where a power or authority does not act to his satisfaction upon his recommendations for the remedy of a grievance, the Commissioner shall inform the member of the House and the complainant of his recommendations and may add such comment as he wishes.

Findings: petitioner informed.

(2) The Commissioner shall in any case inform the member of the House and the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Annual report.

75G. (1) The Commissioner, within a year after the coming into effect of this Act and thereafter in each succeeding calendar year, shall make a report on the proceedings of his office with his recommendations, if any, as to any measures that should be taken to better implement the intent and achieve the purpose of this Act and shall thereupon lay such report before Parliament.

(2) A copy of the report shall be delivered to the Votes and Proceedings Office of the House of Commons; and such copy 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 the House of Commons.

(3) Upon receipt of the report, an entry shall that day be made in the records of this Office and, on the day following thereon, the copy of the report shall be deposited in the Library of Parliament.

(4) The Commissioner may submit a report to the House of Commons at any other time.

Offenses.

75H. Every one who

(*a*) without lawful justification or excuse, wilfully obstructs, hinders, or resists the Commissioner or other person in the exercise of his powers under this Act,

(*b*) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Commissioner or other person under this Act, or

(*c*) wilfully makes any false statement to or misleads or attempts to mislead the Commissioner or other person in the exercise of his powers under this Act,

is guilty of an offense punishable on summary conviction.

Saving of other rights and remedies.

75I. This Act shall not abrogate, abridge or infringe or authorize the abrogation, abridgment or infringement of any substantive or procedural right or remedy existing otherwhere or otherwise than in this Act.

Act not to apply to Executive in policy capacity nor to Judicature.

75J. This Act does not extend or apply to the Governor General acting by and with the aid and advice of the Queen's Privy Council for Canada nor to the Judicature of Canada."

C-131.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-131.

An Act to amend the Canadian Bill of Rights.

First reading, June 13, 1967.

Mr. THOMPSON.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26868

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-131.

An Act to amend the Canadian Bill of Rights.

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

1960, c. 44.

1. Section 1 of the *Canadian Bill of Rights* is repealed and the following substituted therefor:

Recognition and declaration of rights and freedoms.

"**1.** It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion, sex, profession, trade or education, the following human rights and fundamental freedoms, namely:

(*a*) freedom of religion;
(*b*) freedom of speech;
(*c*) freedom of assembly and association;
(*d*) freedom of the press;
(*e*) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
(*f*) the right of the individual to an adequate and prompt compensation in case of expropriation;
(*g*) the right of the individual to equality before the law and the protection of the law; and
(*h*) the right of access of the individual to all courts and tribunals and the right to appear in person and to handle his own case and the right to be reimbursed of his costs, disbursements and reasonable expenses, if a judgment or decision is rendered in his favour."

Explanatory Notes.

The purpose of this Bill is to provide that there should be no discrimination by reason of one's belonging to a particular profession, trade or by reason of one's education, in respect to the enjoyment of the basic rights and freedoms recognized by the *Canadian Bill of Rights*.

This Bill provides also that in case of expropriation, the compensation shall be prompt and adequate.

Finally, this Bill provides that each individual shall have the right of access to all courts and tribunals, the right to appear in person before those courts and tribunals and the right to handle his own case; furthermore if a decision is rendered in his favour, he should be reimbursed his costs, disbursements and reasonable expenses, in the same manner as if he were a lawyer handling his own case; this is to emphasize the fact that a private individual should be entitled to obtain full justice in handling his case personally.

C-132.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-132.

An Act to amend the Criminal Code (Off-track betting).

First reading, June 13, 1967.

Mr. LEBLANC (Laurier).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26966

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-132.

An Act to amend the Criminal Code (Off-track betting).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

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 immediately after section 178 thereof, the following section:

Off-track betting.

"**178A.** Notwithstanding anything in this or any other Act, any person may participate in any off-track betting system organized and operated by a provincial government or under its authority for the purposes of raising revenues for educational, hospital, welfare of other purposes under provincial jurisdiction."

Explanatory Notes.

The purpose of this Bill is to amend the Criminal Code so as to allow provincial governments, so desiring, to establish off-track betting system in order to raise revenues for educational, hospital, welfare of other purposes under provincial jurisdiction.

The Bill provides that the off-track betting system may be organized and operated by a provincial government or under its authority.

C-133.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-133.

An Act to amend the Criminal Code (control of motor vehicle).

First reading, June 15, 1967.

Mr. NESBITT.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

27035

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-133.

An Act to amend the Criminal Code (control of motor vehicle).

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

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

1. The *Criminal Code* is amended by inserting immediately after section 223 thereof the following section:

"**223A.** Sections 222 and 223 shall not apply where the motor vehicle is not in motion and the driver, having realized that he was intoxicated or that his ability to drive was impaired, has, for that reason alone, refrained from putting his motor vehicle in motion or stopped the same, and is also in a position to establish that he had no intention of driving or continuing to drive, while intoxicated or while his ability to drive was impaired."

Explanatory Note.

The purpose of this Bill is to amend the *Criminal Code* so as not to penalize drivers who, realizing that they are intoxicated or that their ability to drive is impaired, are wise enough not to drive or to stop their car immediately and refrain from continuing their journey in their present state.

"Sections 222 and 223 read as follows:

222. Every one who, while intoxicated or under the influence of a narcotic drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of

(*a*) an indictable offence and is liable

(i) for a first offence, to imprisonment for not more than three months and not less than thirty days, and

(ii) for each subsequent offence, to imprisonment for not more than one year and not less than three months; or

(*b*) an offence punishable on summary conviction and is liable

(i) for a first offence, to imprisonment for not more than thirty days and not less than seven days,

(ii) for a second offence, to imprisonment for not more than three months and not less than one month, and

(iii) for each subsequent offence, to imprisonment for not more than one year and not less than three months.

223. Every one who, while his ability to drive a motor vehicle is impaired by alcohol or a drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of an indictable offence or an offence punishable on summary conviction and is liable

(*a*) for a first offence, to a fine of not more than five hundred dollars and not less than fifty dollars or to imprisonment for three months or to both,

(*b*) for a second offence, to imprisonment for not more than three months and not less than fourteen days, and

(*c*) for each subsequent offence, to imprisonment for not more than one year and not less than three months."

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-134.

An Act to provide for a National Anthem.

First reading, June 15, 1967.

Mr. ALLARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-134.

An Act to provide for a National Anthem.

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

Short title.

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

Name.

2. The National Anthem shall be entitled *O Canada!*

Music.

3. The music of the National Anthem shall be as originally composed and written by Calixa Lavallée.

A distinctive national anthem.

4. It shall be the duty of the Canada Council to select after competition the words in English and in French of a distinctive national anthem for Canada and to submit the same to the Senate and House of Commons of Canada within six months from the coming into force of this Act.

Approval.

5. 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.

Provision for additional verses.

6. Additional verses in either the English version or the French version of the National Anthem may be authorized by the Governor General in Council for use on special occasions.

Explanatory Notes.

As it is desirable that Canada possess a distinctive national anthem this Bill provides for obtaining the same. The method suggested is to have the Canada Council select such anthem and the selection would then be submitted to Parliament for review and approval.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-135.

An Act to establish the Cape Breton Development Corporation.

First reading, June 15, 1967.

THE MINISTER OF ENERGY, MINES AND RESOURCES.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-135.

An Act to establish the Cape Breton Development Corporation.

Preamble.

WHEREAS it has been estimated that the realistic working life of the Sydney coalfield on the Island of Cape Breton is only about fifteen years and that as a result of rising operating costs, the future operation of the mines in the coalfield will require the continuation, on an increasing scale, of the subsidies and other governmental assistance that have been provided over a period of almost forty years, in order to retain any market for the coal produced from the mines;

AND WHEREAS the mines in the Sydney coalfield are faced with imminent closure unless a substantial capital investment is made for their rehabilitation and modernization and as a result of the aforementioned factors and the substantial dependence of the people of Sydney and the surrounding area and of the economy of the Island of Cape Breton on the coal mining operations in the coalfield, a critical situation exists on the Island which is of concern to Canada as a whole;

AND WHEREAS it is considered desirable and the Governments of Canada and Nova Scotia have agreed that a Crown corporation be established to promote and assist the financing and development of industry on the Island to provide employment outside the coal producing industry and broaden the base of the economy of the Island, and to acquire the interests of the major coal producer in the Sydney coalfield and reorganize and operate the mines with a view to the rationalization of coal production therefrom and the progressive withdrawal of the corporation from such production in accordance with a plan that takes into account progress in providing employment outside the coal producing industry and in broadening the base of the Island's economy;

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 *Cape Breton Development Corporation Act.*

INTERPRETATION.

Definitions.

2. In this Act,

"Board."

(*a*) "Board" means the Board of Directors of the Corporation;

"Chairman."

(*b*) "Chairman" means the Chairman of the Board;

"Coal Division."

(*c*) "Coal Division" means the Coal Division of the Corporation;

"Companies."

(*d*) "companies" means all or any of Dominion Coal Company, Limited, Nova Scotia Steel and Coal Company, Limited, The Dominion Rolling Stock Company Limited, Sydney and Louisburg Railway Company, The Scotia Rolling Stock Company Limited and The Cumberland Railway Company;

"Corporation."

(*e*) "Corporation" means the Cape Breton Development Corporation;

"Industrial Development Division."

(*f*) "Industrial Development Division" means the Industrial Development Division of the Corporation;

"Minister."

(*g*) "Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council to act as the Minister for the purposes of this Act; and

"President."

(*h*) "President" means the President of the Corporation.

CORPORATION ESTABLISHED.

Corporation established.

3. A corporation is hereby established to be called the Cape Breton Development Corporation, consisting of a Board of Directors comprised of a Chairman, a President and five other directors to be appointed in the manner provided in section 4.

Appointment and tenure.

4. (1) The Chairman and the President shall be appointed by the Governor in Council, after consultation with the Lieutenant Governor in Council of Nova Scotia, to hold office for a term not exceeding seven years and the other directors shall be appointed by the Governor in Council to hold office for a term not exceeding five years.

Appointments on recommendation of Lieutenant Governor in Council.

(2) Two directors other than the Chairman and the President shall be appointed on the recommendation of the Lieutenant Governor in Council of Nova Scotia.

Reappointment.

(3) Subject to subsection (4), the President is eligible for reappointment upon the expiration of his term of office, but any other director who has served two consecutive terms is not, during the twelve months following the completion of his second term, eligible for appointment except as President.

Termination.

(4) A director ceases to be a director of the Corporation upon attaining the age of seventy years.

Vacancy.

(5) A vacancy on the Board does not impair the right of the remaining directors to act but where any such vacancy occurs it shall be filled as soon as practicable by appointment in the manner provided in this section.

Chairman to preside at meetings.

5. The Chairman shall preside at meetings of the Board but in the event of the absence or incapacity of the Chairman, or if the office of Chairman is vacant, the President shall preside at such meetings.

Management vested in President.

6. (1) The President is the chief executive officer of the Corporation and has on behalf of the Board the direction and control of the business of the Corporation with authority to act in the conduct of the business of the Corporation in all matters that are not by this Act or by the by-laws of the Corporation specifically reserved to be done by the Board.

Absence or incapacity of President.

(2) In the event of the absence or incapacity of the President, or if the office of President is vacant, the Board shall authorize an officer or director of the Corporation to act as the President for the time being, but no person so authorized by the Board has authority to act as President for a period exceeding sixty days without the approval of the Governor in Council.

Salaries and fees.

7. (1) The President shall be paid by the Corporation a salary to be fixed by the Governor in Council and the Chairman and the other directors other than the President shall be paid by the Corporation such fees for attendances at meetings of the Board or any committee thereof as are fixed by by-law of the Corporation.

Expenses.

(2) Each director is entitled to be paid by the Corporation such travelling and living expenses incurred by him in the performance of his duties as are fixed by by-law of the Corporation.

Organization and Staff.

Divisions of the Corporation.

8. (1) There shall be established within the Corporation for the more efficient management and conduct of the activities thereof, two divisions of the Corporation to be known as the Coal Division and the Industrial Development Division, each of which shall be under the management of a vice-president of the Corporation to be appointed in the manner provided in subsection (2).

Vice-presidents.

(2) The Board, on the recommendation of the President, shall appoint one vice-president of the Corporation who shall be responsible to the President for the management of the Coal Division and another vice-president of the Corporation who shall be responsible to the President for the management of the Industrial Development Division.

Staff.

(3) The Corporation may employ such other officers and such employees and technical and professional advisers as it considers necessary for the proper conduct of its activities.

Remuneration and terms and conditions of employment.

(4) The vice-presidents of the Corporation appointed pursuant to subsection (2) and the persons employed pursuant to subsection (3) shall be paid by the Corporation such remuneration as is fixed or provided for by the Board and shall be employed on such terms and conditions as are fixed or provided for by by-law of the Corporation.

Attendance of vice-presidents at meetings.

(5) The vice-presidents appointed pursuant to subsection (2) may attend any meetings of the Board or of a committee thereof.

Initial Acquisition of Property.

Power of acquisition.

9. For the purpose of enabling the Corporation to carry out its objects under this Act, the Corporation is empowered to acquire

(*a*) all or any part of the lands and personal property located in the County of Cape Breton in the Province of Nova Scotia, other than the line of railway operated by the companies between Broughton Junction and Louisburg, and

(*b*) all interests of the companies in lands and all personal property located under waters adjacent to the said County of Cape Breton,

that constituted or formed part of the works and undertakings operated or carried on by the companies on or at any time after June 15, 1967

(*c*) by purchase for such consideration and on such terms as the Corporation and the owner thereof may agree upon, but no agreement

entered into under this paragraph has any force or effect unless approved by the Governor in Council;

(*d*) by purchase for a consideration and on terms to be established in such manner, other than by agreement, as the Corporation and the owner thereof may agree upon; or

(*e*) by expropriation in the manner provided in section 10.

Deposit of plan and registration of inventory.

10. (1) The Corporation may, for the purpose of exercising the power conferred on it by paragraph (*e*) of section 9,

(*a*) deposit in the office of the Registrar of Deeds for the registration district of the County of Cape Breton in the Province of Nova Scotia a plan of the lands or any part thereof that the Corporation is empowered to acquire pursuant to that section, and

(*b*) register with the Registrar General of Canada an inventory of the personal property or any part thereof that the Corporation is empowered to acquire pursuant to that section,

and upon publication in the *Canada Gazette* of a notice that the plan described in paragraph (*a*) and the inventory described in paragraph (*b*) have been respectively deposited and registered in the manner provided in those paragraphs,

(*c*) all interests, other than of Her Majesty in right of Nova Scotia, in the lands in the County of Cape Breton in the Province of Nova Scotia depicted on the plan as being taken by the Corporation,

(*d*) all interests of the companies in lands located under waters adjacent to the said County of Cape Breton depicted on the plan as being taken by the Corporation, and

(*e*) all rights, other than of Her Majesty in right of Nova Scotia, in the personal property described in the inventory,

shall vest in the Corporation, free from any and all encumbrances, by virtue of this Act and without further assurance.

President to sign plan and inventory and copy to be sent.

(2) A plan deposited in accordance with paragraph (*a*) of subsection (1) and an inventory registered in accordance with paragraph (*b*) of subsection (1) shall be signed by the President and a copy of the plan and the inventory shall, not later than the day of publication in accordance with subsection (1) of notice of such deposit and registration, be sent by registered mail addressed to Dominion Steel and Coal Corporation, Limited at its head office address as then known to the Corporation.

Application of *Expropriation Act.*

11. (1) For the purposes of this Act, the definition of land in the *Expropriation Act* shall be deemed to include personal property as though personal property were an interest in land and, except as otherwise provided in this Act, all the provisions of the *Expropriation Act* are, *mutatis mutandis*, applicable to the taking or abandonment by the Corporation of any property taken in the manner provided in section 10.

Hearing of claims for compensation.

(2) All claims against the Corporation for compensation for property taken in the manner provided in section 10 shall be heard and determined in the Exchequer Court of Canada in accordance with sections 46 and 49 of the *Exchequer Court Act* and section 12 of this Act.

Allocation of compensation money.

(3) The compensation money, if any, payable for property taken in the manner provided in section 10 shall be allocated in the first instance among the persons, other than the companies and any corporations associated with the companies within the meaning of the *Income Tax Act*, having a claim to such money by virtue of section 23 of the *Expropriation Act*, and in the second instance and to the extent of the balance if any then remaining, among the companies and any such associated corporations having such a claim, and subject to subsection (3) of section 12 any payment of such money pursuant to subparagraph (ii) of paragraph (*a*) of subsection (1) of section 19 shall be made accordingly.

Establishment or determination of amount of consideration or compensation.

12. (1) The amount of the consideration or compensation payable for property, other than stocks of coal, acquired pursuant to section 9, whether in the manner provided in section 10 or otherwise, shall be established or determined as the fair market value, if any, of such property without any allowances in addition thereto whatever, and in determining such value,

(*a*) it shall be assumed that all subsidies, subventions and other financial assistance provided under the authority of the Parliament of Canada directly or indirectly to or for the benefit of the companies or for which under such authority the companies were eligible prior to the day the property was so acquired, were terminated on June 15, 1967 and thereafter remained terminated absolutely; and

(*b*) any enhancement in value of the property that is attributable in whole or in part to the use of machinery or equipment leased to the companies by the Dominion Coal Board after April 1, 1967 shall not be taken into consideration.

Idem.

(2) Stocks of coal, if any, acquired by the Corporation shall be valued at the cost thereof to the companies.

Deduction from consideration or compensation payable to companies and associated corporations.

(3) There shall be deducted from the amount of the consideration or compensation, if any, payable to the companies and any corporations associated with the companies within the meaning of the *Income Tax Act* for property acquired pursuant to section 9, whether in the manner provided in section 10 or otherwise, the outstanding balance of principal moneys, together with accrued interest thereon, owing to Her Majesty pursuant to an agreement dated the 14th day of March, 1950 made between Dominion Coal Company, Limited and His Majesty the King in right of Canada, as amended.

Proof of delivery of personal property.

13. No consideration or compensation is payable for any tangible personal property acquired pursuant to section 9, whether in the manner provided in section 10 or otherwise, unless the person claiming to be entitled thereto establishes that actual physical possession of the property has been delivered to the Corporation.

Right of access to property and records.

14. Upon the coming into force of this Act, any person or persons designated in writing by the President shall have free and unimpeded access at all times to each and every part of the works and undertakings of the companies and, without limiting the generality of the foregoing, may survey and take levels of the property of the companies and inspect all books, minutes, reports, documents, records, inventories, chattels, papers, things and properties of the companies; and all reasonable aid and assistance shall, on request, be rendered to any such person or persons by the boards of directors, officers and employees of the companies, including aid and assistance in the making and giving of extracts, copies and statements.

Coal Division.

Objects, Powers and Duties.

Objects.

15. The objects of the Corporation in relation to the Coal Division are to reorganize and rehabilitate the coal mining and related works and undertakings that were operated or carried on by the companies on Cape Breton Island prior to the acquisition of property by the Corporation pursuant to section 9 and to conduct coal mining and related operations in the Sydney coalfield on a basis that is consistent with efficient mining practice and good mine safety and with the overall plan, or any modification thereof, submitted by the Corporation pursuant to section 17.

Powers.

16. In carrying out its objects in relation to the Coal Division, the Corporation may

(*a*) by agreement with any party to a contract for the sale or delivery of coal by or on behalf of Dominion Coal Company, Limited that was in force at the time of acquisition of property by the Corporation pursuant to section 9, assume all rights and obligations of Dominion Coal Company, Limited under such contract;

(*b*) rehabilitate, improve, operate and maintain any coal mines or related fixtures, machinery, equipment or property of any other nature acquired by the Corporation;

(*c*) enter into contracts with any person or persons within or outside Canada or with Her Majesty in right of Canada or any province or any agent of Her Majesty in right of Canada or any province relating to the production of coal by the Corporation or to the marketing and shipping of coal acquired by or produced by the Corporation; and

(*d*) do all such other things as the Corporation deems incidental or conducive to the attainment of its objects in relation to the Coal Division.

Duty to submit overall plan for coal.

17. (1) The Corporation shall, as soon as practicable and in any event not later than one year after the coming into force of this Act, submit to the Minister for the approval of the Governor in Council an overall plan for the conduct of coal mining and related operations by the Corporation in an efficient manner and for the progressive reduction of coal production by the Corporation and discontinuation of coal production from mines that are not economically viable, which plan shall take into account progress in providing employment outside the coal producing industry and in broadening the base of the economy of Cape Breton Island.

Changes of approved plan.

(2) Any material modification of the plan referred to in subsection (1) that the Corporation considers desirable or expedient shall be submitted to the Minister for the approval of the Governor in Council.

Plan to be presented to Lieutenant-Governor in Council.

(3) A copy of the plan and of any material modification thereof prepared by the Corporation pursuant to this section shall be presented by the Corporation to the Lieutenant Governor in Council of Nova Scotia.

Mine closings and production cut-backs.

(4) Before closing or substantially reducing the production of coal from any coal mine operated by it, the Corporation shall ensure that

(*a*) such closing or substantial reduction in production is in accordance with and at a time provided

for in the overall plan or any modification thereof submitted pursuant to this section; and

(*b*) all reasonable measures have been adopted by the Corporation, either alone or in conjunction with the Government of Canada or of Nova Scotia or any agency of either of such governments, to reduce as far as possible any unemployment or economic hardship that can be expected to result therefrom.

Pension arrangements.

18. (1) The Corporation shall by by-law provide

(*a*) for the establishment, management and administration of

(i) pension arrangements for the benefit of persons, and dependants of persons, employed by the Corporation in connection with the coal mining and related works and undertakings operated or carried on by the Corporation, and

(ii) pension arrangements for the benefit of persons, and dependants of persons, formerly employed by the companies in connection with the coal mining and related works and undertakings formerly operated or carried on by the companies, if such persons were, prior to the acquisition of property by the Corporation pursuant to section 9, in receipt of a periodic payment from the companies or Her Majesty in right of Nova Scotia in recognition of their former employment in connection with such works and undertakings;

(*b*) for the contributions thereto to be made by the Corporation out of moneys administered by the Corporation for the operation of the Coal Division; and

(*c*) for the investment of any pension fund moneys thereof.

Benefit on lay-off or early retirement.

(2) A by-law made pursuant to subsection (1) shall provide for the payment of an immediate lump sum or other benefit to a person described in that subsection who is or was laid off or retired at an age that is earlier than the normal retirement age provided for by the by-law if such lay-off or retirement resulted from the reorganization and rehabilitation by the Corporation of the coal mining and related works and undertakings referred to in section 15 or from the conduct of coal mining and related operations by the Corporation on a basis that is consistent with the overall plan, or any modification thereof, submitted by the Corporation pursuant to section 17.

Approval by Treasury Board.

(3) No by-law made under this section has any effect unless it has been approved by the Treasury Board.

Financial Provisions.

Payments by Minister of Finance.

19. (1) The Minister of Finance shall, out of the Consolidated Revenue Fund, on the requisition of the Corporation and the Minister,

(*a*) pay to any person entitled thereto

(i) the amount of any consideration for land or personal property acquired by the Corporation that is agreed to be payable under any agreement entered into pursuant to paragraph (*c*) of section 9 or that is established to be payable in a manner agreed upon by the Corporation and the owner of the land or personal property pursuant to paragraph (*d*) of section 9, or

(ii) the amount of any compensation for land or personal property taken in the manner provided in section 10, and where the amount of such compensation is fixed by a judgment pursuant to this Act, the amount of any costs awarded to that person; and

(*b*) in accordance with approved budgets of the Corporation, pay to the Corporation from time to time as required by it amounts not exceeding in the aggregate twenty-five million dollars, for the purposes of reorganizing and rehabilitating the coal mining and related works and undertakings referred to in section 15 and for preparatory work in connection with the conduct by the Corporation of coal mining and related operations.

Advances to Corporation for working capital.

(2) The Minister of Finance may out of the Consolidated Revenue Fund, on the requisition of the Corporation and the Minister, advance money from time to time to the Corporation, on such terms as may be agreed upon, for working capital for the Coal Division, but the total amount of advances outstanding at any time under this subsection shall not exceed ten million dollars.

Bank accounts.

20. (1) The Corporation shall maintain in the name of Cape Breton Development Corporation, Coal Division,

one or more accounts in the Bank of Canada or in one or more chartered banks designated by the Minister of Finance.

Administration of Coal Division funds.

(2) All moneys received by the Corporation through the conduct of the operations of the Coal Division or otherwise on behalf of or to the credit of the Coal Division shall be deposited to the credit of the accounts established pursuant to subsection (1) and shall be administered and expended by the Corporation exclusively in the exercise and performance of the powers, duties and functions of the Corporation in relation to the Coal Division.

Investments.

(3) The Corporation may invest any moneys administered by it pursuant to this section in obligations of or guaranteed by the Government of Canada.

Books of account.

(4) The Corporation shall, in relation to the operations of the Coal Division, keep proper books of account and records related thereto.

Statement of accounts.

(5) Subject to such directions as to form as the Minister of Finance and the Minister may jointly give, the Corporation shall prepare in relation to the operations of the Coal Division, in respect of each financial year of the Corporation, statements of accounts which shall include

(*a*) a balance sheet, a statement of income and expense and a statement of surplus, containing such information as, in the case of a company incorporated under the *Canada Corporations Act*, is required to be laid before the company by the directors at an annual meeting; and

(*b*) such other information in respect of the financial affairs of the Corporation as the Minister or the Minister of Finance may require.

Annual budgets.

21. The Corporation shall, annually, submit an operating budget and a capital budget for the Coal Division for the next following financial year of the Corporation to the Minister for approval by the Governor in Council on the recommendation of the Minister, the Minister of Finance and the President of the Treasury Board, and the capital budget so approved shall be laid by the Minister before Parliament.

Industrial Development Division.

Objects and Powers.

Objects.

22. The objects of the Corporation in relation to the Industrial Development Division are to promote and assist, either alone or in conjunction with any person or the Government of Canada or of Nova Scotia or any agency of either of such governments, the financing and development of industry on the Island of Cape Breton to provide employment outside the coal producing industry and to broaden the base of the economy of the Island.

Powers.

23. (1) In carrying out its objects in relation to the Industrial Development Division, the Corporation may

(*a*) lend money, either with or without security and at such rate of interest as the Corporation considers appropriate or without interest, or make grants to any company or person carrying on or proposing to carry on a business or enterprise that the Corporation considers is likely to make a substantial contribution to the industrial development of Cape Breton Island, or invest in the shares or securities of any such company or person and hold or sell or otherwise dispose of such shares or securities;

(*b*) purchase, lease or otherwise acquire any lands or interests therein on Cape Breton Island and manage, improve, develop or otherwise deal with or administer the same;

(*c*) sell or otherwise dispose of any lands or interests therein acquired by it for such consideration as the Corporation thinks fit and for cash or credit or part cash and part credit or for shares or securities of any company or person carrying on or proposing to carry on a business or enterprise that the Corporation considers is likely to make a substantial contribution to the industrial development of Cape Breton Island;

(*d*) take or hold mortgages, hypothecs, liens or charges to secure payment of the sale price of any lands sold or disposed of by it or for any unpaid balance of any such sale price and sell or otherwise dispose of such mortgages, hypothecs, liens or charges;

(*e*) advertise industrial opportunities on Cape Breton Island both within and outside Canada, publish and distribute brochures and other similar material and grant prizes and awards for and make donations and contributions to the effective promotion of the industrial and economic development of the Island; and

(*f*) do all such other things as the Corporation deems incidental or conducive to the attainment of its objects in relation to the Industrial Development Division.

Co-operation.

(2) The Corporation shall, to the greatest possible extent consistent with the performance of its duties under this Act, consult and co-operate, either directly or, if a committee to coordinate economic development activities on Cape Breton Island is established pursuant to any agreement in that behalf between the Governments of

Canada and Nova Scotia, through that committee, with all departments, branches and agencies of the Governments of Canada and Nova Scotia having duties related to or having aims or objects related to those of the Industrial Development Division, and shall not undertake any action in relation to such objects if that action can be more appropriately carried out under any other assistance program or can reasonably be carried out without the assistance of the Corporation.

Financial Provisions.

Payments by Minister of Finance.

24. The Minister of Finance shall out of the Consolidated Revenue Fund, on the requisition of the Corporation and the Minister, in accordance with approved budgets of the Corporation, pay to the Corporation from time to time as required by it amounts not exceeding in the aggregate twenty million dollars for the purposes of the Industrial Development Division and such additional amounts as may from time to time be appropriated by Parliament therefor.

Bank accounts.

25. (1) The Corporation shall maintain in the name of Cape Breton Development Corporation, Industrial Development Division, one or more accounts in the Bank of Canada or in one or more chartered banks designated by the Minister of Finance.

Administration of Industrial Development Division funds.

(2) All moneys received by the Corporation through the conduct of the operations of the Industrial Development Division or otherwise on behalf of or to the credit of the Industrial Development Division, including moneys received by the Corporation from Her Majesty in right of Nova Scotia, whether pursuant to an agreement in that behalf between the Governments of Canada and Nova Scotia or otherwise, from an agency of Her Majesty in right of Nova Scotia or from any other person, shall be deposited to the credit of the accounts established pursuant to subsection (1) and, subject to the terms, if any, upon which they were received, shall be administered and expended by the Corporation exclusively in the exercise and performance of the powers, duties and functions of the Corporation in relation to the Industrial Development Division.

Investments.

(3) The Corporation may invest any moneys administered by it pursuant to this section in obligations of or guaranteed by the Government of Canada.

Books of account.

(4) The Corporation shall, in relation to the operations of the Industrial Development Division, keep proper books of account and records related thereto.

Statement of accounts.

(5) Subject to such directions as to form as the Minister of Finance and the Minister may jointly give, the Corporation shall prepare in relation to the operations of

the Industrial Development Division, in respect of each financial year of the Corporation, statements of accounts which shall include

(*a*) a balance sheet, a statement of income and expense and a statement of surplus, containing such information as, in the case of a company incorporated under the *Canada Corporations Act*, is required to be laid before the company by the directors at an annual meeting; and

(*b*) such other information in respect of the financial affairs of the Corporation as the Minister or the Minister of Finance may require.

Annual budgets.

26. The Corporation shall, annually, submit an operating budget and a capital budget for the Industrial Development Division for the next following financial year of the Corporation to the Minister for approval by the Governor in Council on the recommendation of the Minister, the Minister of Finance and the President of the Treasury Board and the capital budget so approved shall be laid by the Minister before Parliament.

GENERAL.

Head office and meetings.

27. The head office of the Corporation shall be at Sydney, Nova Scotia, but meetings of the Board may be held in such other places in Canada as the directors may decide.

By-laws.

28. (1) The Board may make by-laws

(*a*) respecting the calling of meetings of the Board;

(*b*) respecting the conduct of business at meetings of the Board and the establishment of committees thereof, the delegation of duties to such committees and the fixing of quorums for meetings of the Board and committees thereof;

(*c*) fixing the fees to be paid to the Chairman and the other directors, other than the President, for attendances at meetings of the Board or any committee thereof, and the travelling and living expenses to be paid to directors;

(*d*) respecting the duties and conduct of the directors, officers and employees of the Corporation and the terms and conditions of employment of officers and employees of the Corporation;

(*e*) respecting the establishment, management and administration of a pension fund for the President, the officers and employees of the Corporation and dependants of such persons, other than those for whom provision is made

by any by-law made pursuant to section 18, the contributions thereto to be made by the Corporation and the investment of the pension fund moneys thereof; and

(*f*) generally for the conduct and management of the affairs of the Corporation.

Approval by Treasury Board.

(2) No by-law made under paragraph (*c*) or (*e*) of subsection (1) has any effect unless it has been approved by the Treasury Board.

Corporation is agent of Her Majesty.

29. (1) Except as provided in subsection (1) of section 30, the Corporation is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

Contracts.

(2) The Corporation may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Corporation.

Property.

(3) Property acquired by the Corporation is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Corporation.

Proceedings.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may, subject to subsection (2) of section 11, be brought or taken by or against the Corporation in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of Her Majesty.

Officers and employees not servants of Her Majesty.

30. (1) Persons employed by the Corporation pursuant to subsection (3) of section 8 are not officers or servants of Her Majesty.

Application of *Flying Accidents Compensation Order*.

(2) For the purpose of any regulation made pursuant to section 5 of the *Aeronautics Act*, the officers and employees of the Corporation shall be deemed to be employees in the public service of Canada.

Corporation a proprietary corporation.

31. (1) The Corporation is a proprietary corporation within the meaning and for the purposes of the *Financial Administration Act*.

Payments in lieu of taxes.

(2) The Corporation may make grants in lieu of taxes to any municipality on the Island of Cape Breton not exceeding the taxes that might be levied by the municipality in respect of any lands of the Corporation if the Corporation were not an agent of Her Majesty.

Crown Corporations (Provincial Taxes and Fees) Act to apply to Corporation.

(3) The Corporation shall be deemed, for the purposes of the *Crown Corporations (Provincial Taxes and Fees) Act*, to be listed in the Schedule to that Act.

General expenditures.

32. All expenditures of the Corporation for the payment of which no other provision is made by this Act shall be paid out of moneys appropriated by Parliament therefor.

Annual report.

33. (1) The Corporation shall, within three months after the termination of its financial year, present to the Minister and the Lieutenant Governor in Council of Nova Scotia a report, in such form as the Governor in Council may direct, on the operations of the Corporation for that financial year, and the Minister shall cause the report to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Operations of Divisions to be reported separately.

(2) Each annual report presented by the Corporation in accordance with subsection (1) shall deal separately with the operations of the Coal Division and the Industrial Development Division during the year to which the report relates and shall include the statements of accounts specified in subsection (5) of section 20 and subsection (5) of section 25.

Surplus Crown Assets Act does not apply.

34. (1) The *Surplus Crown Assets Act* does not apply to the Corporation or to the property of the Corporation.

Winding-up.

(2) The Corporation shall wind up its affairs and dispose of its assets and liabilities within such time after the discontinuation of coal production by the Corporation from mines that are not economically viable in accordance with the overall plan or any modification thereof submitted pursuant to section 17 and in such manner and subject to such conditions as the Governor in Council, after consultation with the Lieutenant Governor in Council of Nova Scotia, may prescribe.

Works and undertakings declared to be for general advantage of Canada.

35. (1) The works and undertakings operated or carried on by the companies on or at any time after June 15, 1967, located in the County of Cape Breton in the Province of Nova Scotia or under waters adjacent to such County, other than the line of railway operated by the companies between Broughton Junction and Louisburg, are hereby declared to be works for the general advantage of Canada.

Bargaining agents.

(2) Each trade union that on the day preceding the coming into force of this Act was certified under the *Trade Union Act* of the Province of Nova Scotia as a bargaining agent for persons employed by the companies in connection with the works and undertakings declared by subsection (1) to be works for the general advantage of Canada shall be deemed to have been certified under the *Industrial*

Relations and Disputes Investigation Act on the day this Act comes into force as the bargaining agent for the persons so employed by the companies in respect of whom it was so certified as bargaining agent.

Commencement.

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

C-136.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-136.

An Act concerning the Termination of Pregnancy by Registered Medical Practitioners.

First reading, June 16, 1967.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26922

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-136.

An Act concerning the Termination of Pregnancy by Registered Medical Practitioners.

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 *Termination of Pregnancy Act.*

Termination of pregnancy.

2. (1) Notwithstanding anything in the *Criminal Code* or any other Act of the Parliament of Canada, a person shall not be guilty of an offence of killing an unborn child or of procuring a miscarriage when a pregnancy is terminated by a registered medical practitioner if that practitioner and another registered medical practitioner are of the opinion, formed in good faith

(*a*) (i) that the continuance of the pregnancy would involve risk to the life or of injury to the physical or mental health of the pregnant woman or the future well-being of herself and or the child or her other children;

(ii) in determining whether or not there is such risk of injury to health or well-being account may be taken of the patient's total environment actual or reasonably foreseeable; or

(*b*) that there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

Explanatory Notes

The question of the termination of pregnancy has been the object of extensive study in the last few years and also of legislation in several countries.

Recently, in the United Kingdom, a Bill has been introduced to amend and clarify the law relating to termination of pregnancy by registered medical practitioners.

The present Bill is inspired by its British counterpart and is for the purpose of allowing medical termination of pregnancy, in certain cases, under the surveillance of medical and governmental authorities.

(2) Any treatment for the termination of pregnancy must be carried out in a hospital or place approved for the purposes of this section by the Minister of National Health and Welfare or by provincial authority as the case may be.

Rules.

3. (1) The Minister of National Health and Welfare shall make rules to provide

(*a*) for requiring any such opinion as is referred in section 2 of this Act to be certified by the practitioners or practitioner concerned in such form and at such time as may be prescribed by the regulations, and for requiring the preservation and disposal of certificates made for the purposes of the regulations;

(*b*) for requiring any registered medical practitioner who terminates a pregnancy to give notice of the termination and such other information relating to the termination as may be prescribed;

(*c*) for prohibiting the disclosure, except to such persons or for such purposes as may be so prescribed, of notices given or information furnished pursuant to the regulations;

Proviso.

provided that such rules shall cease to have effect in a Province whenever corresponding or other rules have been promulgated by the Lieutenant-Governor in Council.

Notification.

(2) The information furnished in pursuance of regulations under subsection (1) of this section shall be notified solely to the Deputy Minister of National Health and Welfare or to the corresponding provincial Deputy Minister as the case may be.

Contravention.

(3) Any person who wilfully contravenes or wilfully fails to comply with the requirements of regulations under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding two hundred dollars.

Conscientious objection to operation.

4. No doctor, nurse, hospital employee nor any other person shall be under any duty, nor shall they in any circumstances be required, to participate in any operation authorised by this Act to which they have a conscientious objection, provided that in any civil or criminal action the burden of proof of conscientious objection shall rest on the person claiming it.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-137.

An Act to amend the Criminal Code (Provincial Lotteries).

First reading, June 21, 1967.

Mr. ALLARD.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

27039

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-137.

An Act to amend the Criminal Code (Provincial Lotteries).

1953-54, c. 51; 1955, cc. 2, 45; 1956, c. 48; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, cc. 37, 45; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10 and cc. 35, 53; 1966-67, c. 23, c. 25, s. 45.

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

1. Subsection (8) of section 179 of the *Criminal Code* is amended by striking out the word "or" at the end of paragraph "(*c*)" thereof, by adding the word "or" at the end of paragraph "(*d*)" thereof and by adding thereto the following paragraph

"(*e*) a lottery organized and operated by a provincial government for the purpose of providing for the payment in the province of additional amounts with respect to family allowances and old age pensions."

Explanatory Note.

The purpose of this Bill is to amend the *Criminal Code* so as to allow provincial governments, so desiring, to provide for the payment in the province of additional amounts with respect to family allowances and old age pensions, by means of lotteries provincially organized and operated.

C-138

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-138

An Act to amend the Supreme Court Act

First reading, June 22, 1967

Mr. CAOUETTE

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

26872

2nd Session, 27th Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-138

An Act to amend the Supreme Court Act

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

R.S., c. 259, 335; 1956, c. 48

1. The *Supreme Court Act* is amended by adding, immediately after section 54 thereof, the following section:

Decisions must be published in both languages

"**54A.** Judgments of the Court and opinions given by the Court, following references by the Governor in Council or by the Senate and the House of Commons, or on appeal from references made by the Lieutenant-Governor in Council of a province, are drafted either in the French or the English language, but the publication of such judgments or opinions by the Queen's Printer shall be done in both official languages.

Any translation of such a judgment or opinion shall, prior to its publication, be approved by the Court or a judge thereof."

Explanatory Notes

The Supreme Court of Canada is, along with the Parliament of Canada and the Federal Executive, one of the branches of the Canadian political system. By branch of the Canadian political system, we mean one of the elements exercising authority within the State.

The bill presupposes acceptance of the principle that the Government of Canada must be bilingual, that the branches exercising powers in the Federal State must be of a bilingual character. However, when we now consider the past decisions of the Supreme Court, we find that approximately eighty per cent were rendered and published in English.

Considering the importance of the interpretation of a law under our legal system—interpretation of a law is just as important as the law itself, if not more so—it would seem abnormal that the present situation should continue and that a certain number of Canadians should be compelled to study or to read the decisions of the Supreme Court in a language which is not their own.

It appears abnormal that a French-speaking Canadian should have to study or to read in English a decision rendered by the said Court and dealing, for example, with the interpretation of the *Criminal Code* or of the *British North America Act;* and it seems to us equally abnormal that an English-speaking Canadian should have to study, in a French text, a decision bearing on the interpretation of a federal statute or on the constitutionality of a Quebec law.

This bill aims at ensuring respect for the principle that French and English are the official languages of Canada and is designed to avoid perpetuating the above-described situation.

A further object of the bill is to ensure respect for the spirit of Section 133 of the *British North America Act*, which provides that:

> " ...The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both these languages."

The object of this bill is not to compel the judges of the Supreme Court to render two decisions, one in French and the other in English; it is rather to compel the Canadian Government to deal with the matter of translating the decisions of the Supreme Court; the latter would, through one of its judges, approve the translations made of its judgments in order to avoid the publication of texts not compatible with the spirit and the letter of the said judgments.

We believe that the suggested amendment should be adopted in order that the fundamental principles of our political system may be respected.

C-139

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-139

An Act respecting French Speaking Canada Day

First reading, June 22, 1967

Mr. CHOQUETTE

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

27049

2nd Session, 27th Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-139

An Act respecting French Speaking Canada Day

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

Short title

1. This Act may be cited as *French Speaking Canada Day Act.*

French Speaking Canada Day a holiday

2. Throughout Canada, in each and every year, the twenty-fourth day of June, not being a Sunday, shall be a legal holiday, and shall be kept and observed as such under the name of French Speaking Canada Day.

When 24th of June is a Sunday

3. When the twenty-fourth day of June is a Sunday, the twenty-fifth day of June shall be, in lieu thereof, throughout Canada, a legal holiday, and shall be kept and observed as such under the name of French Speaking Canada Day.

When 24th of June is a Saturday

4. When the twenty-fourth day of June is a Saturday, it shall be a legal holiday to be kept and observed under the name of French Speaking Canada Day, as provided in section 2, and the Monday immediately following shall also be kept and observed as a legal holiday.

Explanatory Note

The purpose of this Bill is evident as the Bill itself is self-explanatory.

C-140

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-140

An Act to amend the British North America Act, 1867
(Appointment of Judges)

First reading, June 26, 1967

Mr. STANBURY

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

27092

2nd Session, 27th Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-140

An Act to amend the British North America Act, 1867 (Appointment of Judges)

30 and 31 Vict., c. 3

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

1. Section 96 of the *British North America Act, 1867*, is repealed and the following substituted therefor:

Appointment of judges

"**96.** (1) The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

Consultation

(2) Before proceeding to the appointment of any Judge, the Governor General shall consult the judiciary committee of the Canadian Bar Association."

2. Section 101 of the said Act is repealed and the following substituted therefor:

General Court of Appeal, etc

"**101.** (1) The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the Constitution, Maintenance and Organization of a General Court of Appeal for Canada, and for the Establishment of any additional courts for the better Administration of the Laws of Canada.

Consultation

(2) Before proceeding to the appointment of any Judge, the Governor General shall consult the judiciary committee of the Canadian Bar Association."

Explanatory Notes

At its 1966 annual meeting the Canadian Bar Association passed a resolution calling for the appointment of a committee of the Association to assist the Minister of Justice in the exercise of his authority and responsibility to make appointments to the Judiciary.

Accordingly it appears desirable before any appointment is made to the Bench that the federal authorities consult a committee of the Canadian Bar Association so that they may have the benefit of the opinion of legal profession on the suitability and qualifications of persons being considered for judicial appointment.

This proposition does not take away the prerogative of appointment which, under our Constitution, is vested in the Governor General.

The purpose of this bill is to give effect to the proposal of the Canadian Bar Association.

Short title and citation

3. This Act may be cited as the *British North America Act, 1967*, and the British North America Acts, 1867 to 1965 and this Act may be cited together as the *British North America Acts, 1867 to 1967*.

C-141

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-141

An Act to amend the Criminal Code (Abolition of Capital Punishment) and the Parole Act (Persons convicted of Murder or Treason)

First reading, June 28, 1967

Mr. STANBURY

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

27096

2nd Session, 27th Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

1953-54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48, ss. 19, 20; 1957-58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37; c. 45, s. 21; 1960-61, cc. 21, 42, 43, 44; 1962-63, c. 4; 1963, c. 8; 1964-65, c. 22, s. 10, cc. 35, 53; 1966-67, c. 23, c. 25, s. 45, c. 96, s. 64

BILL C-141

An Act to amend the Criminal Code (Abolition of Capital Punishment) and the Parole Act (Persons convicted of Murder or Treason).

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

1. (1) Subsection (1) of section 47 of the *Criminal Code* is repealed and the following substituted therefor:

Punishment

"**47.** (1) Everyone who commits treason is guilty of an indictable offence and

(*a*) shall be sentenced to imprisonment for life if he is guilty of an offence under paragraph (*a*), (*b*) or (*c*) of subsection (1) of section 46;

(*b*) is liable to be sentenced to imprisonment for life if he is guilty of an offence under paragraph (*d*), (*f*) or (*g*) of subsection (1) of section 46;

(*c*) is liable to be sentenced to imprisonment for life if he is guilty of an offence under paragraph (*e*) or (*h*) of subsection (1) of section 46, committed while a state of war exists between Canada and another country."

(2) Section 47 is further amended by adding thereto the following subsection:

"(3) For the purposes of Part XX, the sentence of imprisonment for life prescribed by paragraph (*a*) of subsection (1) is a minimum punishment."

2. Section 75 of the said Act is repealed and the following substituted therefor:

Piracy by law of nations

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

Explanatory Notes

The purpose of this Bill is, for a trial period of three years, to abolish capital punishment in its entirety and to substitute therefor in every case a minimum sentence of life imprisonment, parole from which would be possible only upon approval by both the National Parole Board and the Governor in Council.

1. Section 47 at present reads as follows:

"**47.** (1) Every one who commits treason is guilty of an indictable offence and is liable

(*a*) to be sentenced *to death* if he is guilty of an offence under paragraph (*a*), (*b*) or (*c*) of subsection (1) of section 46;

(*b*) to be sentenced *to death or* to imprisonment for life if he is guilty of an offence under paragraph (*d*), (*f*) or (*g*) of subsection (1) of section 46;

(*c*) to be sentenced *to death or* to imprisonment for life if he is guilty of an offence under paragraph (*e*) or (*h*) of subsection (1) of section 46, committed while a state of war exists between Canada and another country; or

(*d*) to be sentenced to imprisonment for fourteen years if he is guilty of an offence under paragraph (*e*) or (*h*) of subsection (1) of section 46, committed while no state of war exists between Canada and another country.

(2) No person shall be convicted of treason upon the evidence of only one witness, unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused."

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."

(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, and 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 imprisonment for life and, for the purpose of Part XX, such sentence of imprisonment for life is a minimum punishment."

Repeal

3. Section 202A of the said Act is repealed.

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

Punishment for murder

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

Minimum punishment

(2) For the purposes of Part XX, the sentence of imprisonment for life prescribed by this section is a minimum punishment."

Repeal

5. Section 492A of the said Act is repealed.

3. Section 202A at present reads at follows:

"**202A.** (1) Murder is capital murder or non-capital murder.

(2) Murder is capital murder, in respect of any person, where

(*a*) it is planned and deliberate on the part of such person,

(*b*) it is within section 202 and such person

(i) by his own act caused or assisted in causing the bodily harm from which the death ensued,

(ii) by his own act administered or assisted in administering the stupefying or over-powering thing from which the death ensued,

(iii) by his own act stopped or assisted in the stopping of the breath from which the death ensued,

(iv) himself used of had upon his person the weapon as a consequence of which the death ensued, or

(v) counselled or procured another person to do any act mentioned in subparagraph (i), (ii) or (iii) or to use any weapon mentioned in subparagraph (iv), or

(*c*) such person by his own act caused or assisted in causing the death of

(i) a police officer, police constable, sheriff, deputy sheriff, sheriff's officer or other person employed for the preservation and maintenance of the public peace, acting in the course of his duties, or

(ii) a warden, deputy warden, instructor, keeper, gaoler, guard or other officer or permanent employee of a prison, acting in the course of his duties,

or counselled or procured another person to do any act causing crassisting in causing the death.

(3) All murder other than capital murder is non-capital murder."

4. Section 206 at present reads as follows:

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

(2) Every one who commits non-capital murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.

(3) Notwithstanding subsection (1), a person who appears to the court to have been under the age of eighteen years at the time he committed a capital murder shall not be sentenced to death upon conviction therefor but shall be sentenced to imprisonment for life.

(4) For the purposes of Part XX, the sentence of imprisonment for life prescribed by this section is a minimum punishment."

5. Section 492A at present reads as follows:

"**492A.** No person shall be convicted of capital murder unless in the indictment charging the offence he is specifically charged with capital murder."

6. Subsections (1), (2), (2a) and (2b) of section 515 of the said Act are repealed and the following substituted therefor:

Pleas permitted

"**515.** (1) An accused who is called upon to plead may plead guilty or not guilty, or the special pleas authorized by this Part and no others.

Refusal to plead

(2) Where the accused refuses to plead or does not answer directly the court shall order the clerk of the court to enter a plea of not guilty."

7. Subsection (4) of section 516 of the said Act is repealed and the following substituted therefor:

Special pleas

"(4) When the pleas referred to in subsection (3) are disposed of against the accused he may plead guilty or not guilty."

Repeal

8. Subsection (2a) of section 519 of the said Act is repealed.

Repeal

9. Subsection (1a) of section 569 of the said Act is repealed.

Repeal

10. The heading "Capital Punishment", immediately preceding section 642, and sections 642 to 653 of the said Act are repealed.

Temporary provision

11. (1) Where, in a prosecution for capital murder or non-capital murder, whether by way of original proceedings or pursuant to an order for a new trial, commenced before the coming into force of this Act, verdict has not been given before such coming into force, the proceedings shall be continued as if the indictment charged simply murder and the offence had been committed after such coming into force.

(2) Where a prosecution is commenced after the coming into force of this Act, in respect of a murder committed before such coming into force, the offence shall be dealt with, inquired into, tried and determined and any punishment in respect of the offence shall be imposed, as if the offence had been committed after the coming into force of this Act.

(3) For the purposes of this section, a prosecution shall be deemed to have commenced:

(*a*) upon the preferring of a bill of indictment before the grand jury of the court, in the case of a court constituted with a grand jury, and

6. Subsections (1), (2), (2a) and (2b) of section 515 at present read as follows:

"**515.** (1) An accused who is not charged with an offence punishable by death and is called upon to plead may plead guilty or not guilty, or the special pleas authorized by this Part and no others.

(2) Where an accused who is not charged with an offence punishable by death refuses to plead or does nor answer directly, the court shall order the clerk of the court to enter a plea of not guilty.

(2a) An accused who is charged with an offence punishable by death and is called upon to plead may plead not guilty, or the special pleas authorized by this Part and no others.

(2b) Where an accused who is charged with an offence punishable by death does not plead not guilty or one of the special pleas authorized by this Part or does not answer directly, the court shall order the clerk of the court to enter a plea of not guilty."

7. Subsection (4) of section 516 at present reads as follows:

"(4) When the pleas referred to in subsection (3) are disposed of against the accused, he may plead guilty or not guilty, unless he is charged with an offence punishable by death, in which case the court shall order the clerk of the court to enter a plea of not guilty."

8. Subsection (2a) of section 519 at present reads as follows:

"(2a) A conviction or acquittal of an indictment for capital murder bars a subsequent indictment for the same homicide charging it as non-capital murder, and a conviction or acquittal on an indictment for non-capital murder bars a subsequent indictment for the same homicide charging it as capital murder."

9. Subsection (1a) of section 569 at present reads as follows:

"(1a) For greater certainty and without limiting the generality of subsection (1), where a court charges capital murder and the evidence does not prove capital murder, but proves non-capital murder, or an attempt to commit non-capital murder, the jury may find the accused not guilty of capital murder, but guilty of non-capital murder or an attempt to commit non-capital murder, as the case may be."

10. This is a consequential amendment.

(*b*) upon the preferring of an indictment before the court, in any other case.

Repeal, 1958, c. 38, s. 5

12. Section 5 of the *Parole Act* is repealed and the following substituted therefor:

Jurisdiction as to parole

"**5.** Subject to this Act and the *Prisons and Reformatories Act*, the Board has exclusive jurisdiction and absolute discretion to grant, refuse to grant or revoke parole, except in the case of persons convicted of murder or treason, such jurisdiction shall be subject to the approval of the Governor in Council."

Duration

13. This Act shall continue in force for a period of three years from the date it is assented to and shall then expire unless Parliament by affirmative resolutions of both Houses otherwise determines: and upon the expiration of this Act the law existing immediately prior to the passing of this Act shall, so far as it is repealed or amended by this Act, again operate as though this Act had not been passed, and the said repeals and amendments had not been enacted:

Proviso

Provided that this Act shall continue to have effect in relation to any murder not shown to have been committed after the expiration of this Act, and for this purpose a murder shall be taken to be committed at the time of the act which causes the death.

12. This is a consequential amendment following the amendment made to the *Criminal Code.*

13. This is in accordance with the precedent established by the Parliament of the United Kingdom.

C-142

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-142

An Act to amend the Criminal Code
(Firearms)

First reading, June 28, 1967

Mr. LEBLANC (Laurier)

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

27144

2nd Session, 27th Parliament, 16 Elizabeth II, 1967

1953–54, cc. 51, 52; 1955, cc. 2, 45; 1956, c. 48; ss. 19, 20; 1957–58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960–61, cc. 21, 42, 43, 44; 1962–63, c. 4; 1963, c. 8; 1964–65, c. 22, s. 10 and cc. 35, 53; 1966–67, c. 23, c. 25, s. 45, c. 96, s. 64

THE HOUSE OF COMMONS OF CANADA

BILL C-142

An Act to amend the Criminal Code (Firearms)

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

1. Subsection (4) of section 90 of the *Criminal Code* is repealed and the following substituted therefor:

Manufacturing, repairing, buying or selling firearms

"(4) Everyone commits an offence who conducts, operates, or engages in the business of manufacturing, repairing, or of buying or selling firearms at wholesale or at retail in domestic or foreign markets unless he has a permit in Form 43A, or 43B, or 43C, or 43D as the case may be."

2. Subsection (1) of section 91 of the said Act is repealed and the following substituted therefor:

Transactions dealing with firearms to be recorded

"**91.** (1) Everyone who conducts, operates or engages in the business of manufacturing, repairing, buying and selling firearms at wholesale or at retail in domestic or foreign markets

(*a*) shall keep a record of every transaction that he enters into with respect to firearms, and

(*b*) shall produce that record for inspection at the request of a peace officer, and

(*c*) shall send at the end of each month to the Royal Canadian Mounted Police and to the provincial police forces of his province, a copy of his records in which are entered all transactions with respect to firearms, and

Explanatory Notes

The purpose of this Bill is to restrict the use of firearms which is at present too liberal, by establishing a systematic control not only for the buying and selling of firearms but also for the manufacturing and repairing thereof.

This Bill provides that everyone who has firearms in his possession shall have a permit therefor and that everyone who manufactures, repairs, buys or sells firearms, wholesale or retail, in domestic or foreign markets, shall keep an adequate and complete record of all transactions in relation thereto.

Before any person may obtain a permit to possess a firearm, he shall successfully pass examinations relating to his knowledge in respect of the handling and manipulation of firearms.

This Bill provides that the Governor in Council may make regulations with respect to such examinations.

It is hoped that this measure will contribute to the war against crime and will prevent accidents caused by the use of firearms.

(*d*) the record shall show an adequate and complete description of the firearms, to whom they are sold, or for whom they are manufactured, or repaired.

3. Section 94 of the said Act is amended by adding immediately after subsection (8) thereof the following subsections:

Regulations by Minister

"(9) Permits shall be on such special paper as may be required by regulations issued under the authority of the Minister of Justice.

Bilingual permits

(10) All permits shall be in English and in French.

Permits

(11) No one shall carry or have in his custody a firearm without a permit therefor."

4. Paragraph (*b*) of section 98 of the said Act is repealed and the following substituted therefor:

"Firearm"

"(*b*) "firearm" means a pistol, revolver, rifle, gun of any kind or type, or a firearm that is capable of firing bullets in rapid succession during one pressure of the trigger; and"

5. Subsections (1) and (2) of section 97 of the said Act are repealed.

6. The said Act is further amended by the addition of the following section immediately after section 98:

"**98A.** The Governor in Council may make regulations concerning the examinations to be passed by any person desirous of obtaining a firearm permit."

7. Form 42 in Part XXVI of the said Act is repealed and the following substituted therefor:

"FORM 42

Form

FIREARM PERMIT.

This permit authorizes.....of

.....who has successfully passed
(address)

his examinations to obtain a permit, to have a.....

.....elsewhere than in his
(insert type of firearm)

dwelling house or place of business for the purpose of

.....
(insert purpose for which permit is required)

This permit is valid during the period.....

....
(Date of issue) (Signature of person authorized to issue permits in Form 42)."

8. Form 43 in Part XXVI of the said Act is repealed and the following substituted therefor:

"FORM 43A

Forms

PERMIT TO MANUFACTURE FIREARMS.

This permit authorizes.....
(Insert name of holder of permit).

of.....

to manufacture firearms.

....
(Date of issue). (Signature of person authorized to issue permits).

.....
(Address).

FORM 43B

PERMIT TO REPAIR FIREARMS.

This permit authorizes.....
(Insert name of holder of permit).

of.....

to repair firearms.

....
(Date of issue) (Signature of person authorized to issue permit).

.....
(Address).

FORM 43C

PERMIT TO BUY AND SELL FIREARMS AT WHOLESALE.

This permit authorizes.....
(Insert name of holder of permit).

of.....

to buy and sell firearms at wholesale.....
(Indicate whether in

.....
domestic or/and foreign markets).

....
(Date of issue) (Signature of person authorized to issue permit).

.....
(Address).

FORM 43D

PERMIT TO BUY AND SELL FIREARMS AT RETAIL.

This permit authorizes.....
(Insert name of holder of permit).

of.....

to buy and sell firearms at retail.....
(Indicate whether in

.....
domestic or/and foreign markets).

....
(Date of issue) (Signature of person authorized to issue permits).

.....
(Address).

C-143

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-143

An Act to amend the Criminal Code
(Maltreatment of a Child)

First reading, June 28, 1967

MR. IRVINE

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

27140

2nd Session, 27th Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-143

An Act to amend the Criminal Code (Maltreatment of a Child)

1953–54, cc. 51, 52; 1955, cc. 2, 45 1956, c. 48; ss. 19, 20; 1957–58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960–61, cc. 21, 42, 43, 44; 1962–63, c. 4; 1963, c. 8; 1964–65, c. 22, s. 10 and cc. 35, 53; 1966–67, c. 23, c. 25, s. 45, c. 96, s. 64

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

1. The *Criminal Code* is amended by inserting immediately after section 189 thereof, the following section:

Failure to report injury to a child

"**189A.** (1) Everyone, being a member of the medical profession or associated therewith, and, without restricting the generality of the foregoing, a medical practitioner, registered nurse, practical nurse, nursing assistant, secretary to a medical practitioner, or, social worker, school teacher, or a neighbour having knowledge, who fails to report within a week of his knowledge of the facts to the Attorney General of the province in which he is practising or residing, as the case may be, any bodily injury to a child, which, in his opinion, may have been caused by maltreatment, is, in the case of a neighbour, having knowledge, guilty of an offence punishable on summary conviction and is liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month, or to both fine and imprisonment, and in all other cases is guilty of an indictable offence or an offence punishable on summary conviction and is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment."

Offence and penalty

Saving

(2) A person who by virtue of subsection (1) herein makes a report upon information which subsequently proves false and is charged in any subsequent criminal proceeding for libel shall not be convicted unless the crown proves the absence of good faith on the part of the accused."

Explanatory Notes

The purpose of this Bill is to compel all persons associated with the medical profession, teachers, social workers and neighbours having knowledge, to report to the Attorney General of their Province, within a week, any bodily injury to a child which, in their opinion, may have been caused by maltreatment.

The provincial attorney general, who is responsible for the administration of justice in the Province would then be in a better position to apply the law, and lay the appropriate charges.

In the event the person giving the information is subsequently charged with criminal libel, the crown would have to show an absence of good faith before a conviction could be registered.

C-144

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-144

An Act respecting Customs Tariffs

First reading, June 29, 1967

Mr. Otto

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

27136

2nd Session, 27th Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

R.S. cc. 60, 316; 1952-53, c. 31; 1953 54, c. 53; 1955, c. 51; 1956, c. 36; 1957, c. 21; 1958, c. 27; 1959, c. 12; 1960, c. 27; 1960 61, c. 45; 1963, cc. 7, 18, 35; 1964 65, c. 7; 1965, c. 17; 1966-67, c. 38

BILL C-144

An Act respecting Customs Tariffs

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

Short title

1. This Act may be cited as the *Export-Import Parity Act.*

Repeal

2. Sections 1 to 16, inclusive, and Schedules "A" and "B" of the *Customs Tariff* are hereby deleted, and the following substituted therefor:

Definitions

3. In this Act:—

"Importer"

(*a*) "importer" shall mean any person or Corporation importing goods or products of any nature and kind whatsoever, into Canada from any other Nation.

"Exporter"

(*b*) "exporter" shall mean a person or Corporation exporting goods and products of every kind and nature whatsoever from Canada to any other Nation in the world.

"Minister"

(*c*) "minister" shall mean the Minister of Trade and Commerce or any official or Board designated by him.

"Import-export"

(*d*) "import-export certificate" shall mean certificate as prescribed by the Governor in Council indicating thereon the labour factor value of goods or products as evaluated by the Dominion Bureau of Statistics.

"Labour factor value"

(*e*) "labour factor value" shall be the value of Canadian Labour content of any category of goods, services and products expressed in

Explanatory Notes

This Bill introduces a new concept of Export-Import Parity, in place of the old idea of Tariff Control, and it will be noted that this Bill deletes the whole of the *Customs Tariff Act*, save and except, schedule "C", dealing with prohibited goods.

The purpose of this Bill is to do away with Tariffs as a punitive measure to restrain the importation of goods into Canada, and instead the Bill introduces a system by which the amounts formerly paid to the Government by importers by way of penalty will be directed to Canadian Exporters as an incentive.

In dealing with Canada's balance of trade with other Nations, this Bill discards the old assumptions that the sale of natural resources could validly be considered as part of a favourable balance of trade on the part of Canada, and adopts a new proposition that if Canada is to maintain a trade balance with other nations, it must be done on the basis of equating dollar labour contents of goods imported with the dollar labour content of goods exported.

percentage points and calculated by the Dominion Bureau of Statistics revised semi-annually.

'Department'

(*f*) "department" shall mean the Department of Trade and Commerce.

(*g*) "custom's office or customs" shall mean a custom's office under the direction of the Department of Trade and Commerce and situated at every point of entry in Canada.

"Custom's clearance certificate"

(*h*) "custom's clearance certificate" shall be a certificate as prescribed by the Governor in Council indicating thereon that the goods, products and services shall be released to the importer, wholesaler or distributor without any further charge or payment.

"Exchange or stock exchange"

(*i*) "exchange or stock exchange" shall mean any house engaged in the business of selling and buying futures, shares or commitments in Canada.

"Board"

(*j*) "board" for the purpose of this Act is a Board composed of no less than three and no more than seven members appointed by the Minister, the majority of whom shall be outside the Civil Service and the minority of whom shall be within the Civil Service and shall have such powers and shall hold its meetings in accord with the regulations made by the Minister with the approval of the Governor in Council and shall sit for such lengths of time as the Minister may decide.

"Goods and products"

(*k*) "goods and products" shall mean all goods and products which are normally articles and the substance of trade and commerce.

Publication of a schedule of goods, products and services

4. Within three months of the passing of this Act, the Minister shall cause to be published in the *Canada Gazette* a schedule of all goods, products and services, either by individual items or in categories which shall be called the "Labour Factor Schedule" and which said schedule shall be compiled by the Dominion Bureau of Statistics and shall contain the following:—

(*a*) A complete list of goods and products which may be the subject of export or import, either by individual items or by categories and shall have as part of the schedule a labour factor increment expressed in percentage points indicating the amount of Canadian labour, wages or salaries, paid to Canadians in the

manufacture, processing or development of all such goods and products as related to the dollar sales price. The said sales value shall be computed at the manufacturers or processors level without taking into consideration the cost of wholesaleing or distribution but shall take into consideration the general level of wages in any particular industry, the research and development costs, and all Canadian Labour content up to and including the manufacturers or processors sales price.

(*b*) The Minister shall every six months obtain a re-evaluation and re-assessment by the Dominion Bureau of Statistics of the said schedule and shall publish the same semi-annually in the *Canada Gazette*.

(*c*) The Minister shall set up a Board of review within his Department to consider all applications and requests from any persons or corporations disputing the said labour factor and shall ensure that all such decisions of the Board with regard to such applications and requests be transmitted to the Dominion Bureau of Statistics for their examination and consideration.

(*d*) The said schedule as published shall remain in full force and effect for the period of six months and shall not be subject to change, save and except, with the consent of the Governor in Council.

(*e*) The Minister, with the advice of the Governor in Council, may from time to time instruct the D.B.S., to amend or alter the said schedule notwithstanding the Dominion Bureau of Statistics' calculations, provided that such labour factor as amended by the Minister shall not come into effect until the publication of the next schedule in the *Canada Gazette* as hereinbefore stated.

Application for "Export-Import Certificate"

5. Every exporter who exports goods or products to any country outside of Canada may apply to the Minister for an "Export-Import Certificate" in such form as the Minister may direct, and submit to the Department such evidence of export, bills of lading and receipt of the said goods and products by the buyer as the Minister may direct, and the Minister shall forthwith deliver to the said exporter an "import-export certificate" in the prescribed form which

shall state the labour factor value of such goods and products therein enumerated and the labour factor value shall be stated in dollars and cents in accord with the schedule published and in force at that time.

(*a*) The import-export certificate shall be transferable and in full force and effect in the hands of a purchaser for value or assignee thereof and such certificates may be sold, exchanged, assigned and transferred through any exchange or brokerage house as approved by the Minister, but such certificate shall only be valid in the hands of a Canadian resident or a corporation resident in Canada having his head office in Canada and the majority of the shareholders of which are Canadian residents.

(*b*) The said import-export certificates shall for the purpose of this Act be considered as bills of exchange and shall be subject to all the laws pertaining thereto.

(*c*) The labour factor value stated on the Certificates shall not be subject to review by any holder in due course regardless of whether or not the labour factor schedule thereon noted varies with the labour factor value at the time of the transfer or during the time that the holder in due course holds the said import-export certificate.

(*d*) All import-export certificates shall be registered by the Minister in the proper books of records and shall be available to public inspection until the surrender thereof as hereinafter stated.

Clearance certificate required

6. No individual or corporation in Canada shall receive clearance from customs of goods and products imported into Canada and shall not sell, hypothecate or deal in goods and products imported into Canada, unless he has obtained a clearance certificate from the Department as follows:

(*a*) the importer shall at any time before clearance from customs deliver to the Department a complete record of the goods and products in accord with receipts or evidence of the value of the goods as the Minister may direct upon the prescribed forms including a "labour factor value" of the said goods and products imported into Canada, along with an import-export certificate or certificates, totalling in aggregate

value, no less in "labour factor value" than the "labour factor value" of the goods and products being imported according to the application, and declaring thereon that the importer is a holder in due course of the said import-export certificates.

(*b*) Upon the receipt of the import-export certificates and being satisfied that the importer and applicant is a holder in due course of the said import-export certificates and that the labour factor value of the said import-export certificates equals the labour factor value of the goods to be imported, the Minister shall issue to the importer a certificate of clearance and shall accept the surrender of the said import-export certificate and duly record them in his books of record.

(*c*) the importer shall upon presentation of the clearance certificate to the customs department be entitled to take his goods and products out of customs without payment of any kind or nature to the Department and shall be entitled to deal with the goods to his own use.

(*d*) where an importer shall have surrendered import-export certificates containing a greater labour factor value than required by the importer in accord with his application, the Department shall keep on record to the credit of such importer the balance of import-export certificate credits for future use in accord with forms prescribed by the Minister and shall surrender such balances to the importer upon demand, either by way of a new certificate or by the return of the original certificates properly endorsed.

Power to cancel, etc., certificate

7. The Minister shall have the power to cancel, invalidate and demand the surrender of all and any certificates for due cause, either for fraud or forgery or for any other reasons which are applicable to documents, bills, and notes, under any other Act pertaining thereto in the statutes of Canada and shall have the power to sue in the name of Her Majesty and to take such other action as may be fit and proper in the circumstances.

If insufficient credits

8. Where an importer does not have the equivalent credits by way of import-export certificates to release goods from customs he may be granted the power or right to take delivery of the said goods and products provided that he

assign to the Department or to such trustee, bank or financial institution as the Minister may direct the total payment for such goods and products which the Department shall hold in escrow until receipt of the proper import-export certificates and upon such terms, conditions and rates of interest as the Minister may direct and upon the execution of such forms as the Minister may direct.

Goods not included in schedule

9. Where any category or goods or products have not been included in the labour factor schedule, any person or Corporation in Canada, may apply to the Minister for a ruling in respect to a labour factor value and upon such application made in the prescribed form, the Minister shall issue to the applicant a labour factor value and if he deems it advisable, have the said goods, products, included in the next schedule published in the *Canada Gazette*.

Appeal

10. (1) Where goods and products are included in the labour factor schedule, and any person or corporation in Canada desires to appeal the said labour factor value, he shall upon application to the Board, proceed by way of originating notice and present such documentation, witnesses, etc., as he may deem desirable and make representations to the Board for a change in the labour factor value and the Board's decision shall be final and shall not be subject to appeal.

Amendment of schedule

(2) Where the Board decides in favour of an alteration or change in the Labour Factor Value, it shall so inform the Minister and the Minister shall in the next ensuring publication of the labour factor schedule amend the said schedule to include the board's decision.

Proceeds exempt from taxation

11. The proceeds from the sale of import-export certificates in the hands of the original exporter shall not be subject to taxation under the *Income Tax Act* or any other Act nor shall such proceeds be subject to sales tax or any tax imposed by any provincial or municipal bodies.

Saving

12. Nothing in this Act shall permit the importation of goods listed in the Schedule "C" hereof.

Coming into force

13. This Act shall come into force six months after the day it is assented to.

C-145

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-145

An Act to amend the Criminal Code
(Dissent of a Juror)

First reading, July 5, 1967

Mr. Leblanc (*Laurier*)

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

27179

2nd Session, 27th Parliament, 16 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-145

An Act to amend the Criminal Code
(Dissent of a Juror)

1953–54, cc. 51, 52; 1955, cc. 2, 45 1956, c. 48; ss. 19, 20; 1957–58, c. 28; 1958, c. 18; 1959, cc. 40, 41; 1960, c. 37 and c. 45, s. 21; 1960–61, cc. 21, 42, 43, 44; 1962–63, c. 4; 1963, c. 8; 1964–65. c. 22, s. 10 and cc. 35, 53; 1966–67, c. 23, c. 25, s. 45, c. 96, s. 64

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 immediately after section 560 thereof the following:

One juror dissenting

Unanimity deemed to exist

"**560A.** Notwithstanding anything in this or any other Act of the Parliament of Canada, when on a jury composed of twelve persons only one juror dissents from all the others on the collective verdict to be returned, the unanimity of the jury shall be deemed to exist."

Explanatory Note

The purpose of this Bill is to provide that when only one juror on a jury composed of twelve persons disagrees, the verdict returned shall be deemed to be unanimous.