

**BILL C-43: AN ACT TO AMEND CERTAIN ACTS
AND INSTRUMENTS AND TO REPEAL
THE FISHERIES PRICES SUPPORT ACT**

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LEGISLATIVE HISTORY OF BILL C-43

HOUSE OF COMMONS

Bill Stage	Date
First Reading:	22 November 2001
Second Reading:	30 November 2001
Committee Report:	5 December 2001
Report Stage:	7 December 2001
Third Reading:	12 April 2002

SENATE

Bill Stage	Date
First Reading:	16 April 2002
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Committee Report:	6 June 2002
Report Stage:	
Third Reading:	11 June 2002

Royal Assent: 13 June 2002

Statutes of Canada 2002, c.17

N.B. Any substantive changes in this Legislative Summary which have been made since the preceding issue are indicated in **bold print**.

Legislative history by Peter Niemczak

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BILL C-43: AN ACT TO AMEND CERTAIN ACTS AND INSTRUMENTS
AND TO REPEAL THE FISHERIES PRICES SUPPORT ACT*

INTRODUCTION

On 22 November 2001, the Leader of the Government in the House of Commons introduced Bill C-43, An Act to Amend Certain Acts and Instruments and to Repeal the Fisheries Prices Support Act. As the backgrounder to the bill notes:

The *Miscellaneous Statute Law Amendment Act* (MSLA) is an established program for making minor, non-controversial amendments to statutes through an expedited parliamentary process. ... The Technical Amendments bill contains a number of provisions from the draft MSLA bill. During parliamentary committee study, additional information was sought on these provisions. This information was provided and satisfied the committees. ... Since the committee reports did not in the end raise concerns about these proposals, it should now be possible to proceed quickly with their consideration.⁽¹⁾

Under the MSLA program, the Legislation Section of Justice Canada combines amendments in an omnibus proposal if they:

- are non-controversial;
- do not involve the spending of public funds;
- do not prejudicially affect the rights of persons;
- do not create a new offence; and
- do not subject a class of persons to an existing offence.

* Notice: For clarity of exposition, the legislative proposals set out in the Bill described in this Legislative Summary are stated as if they had already been adopted or were in force. It is important to note, however, that bills may be amended during their consideration by the House of Commons and Senate, and have no force or effect unless and until they are passed by both Houses of Parliament, receive Royal Assent, and come into force.

(1) “Minister Boudria Introduces Technical Amendments Bill,” Government of Canada, Privy Council Office, 22 November 2001. Website:
http://www.pco-bcp.gc.ca/lgc/default.asp?Language=E&Page=NewsRoom&Sub=press&Doc=20011122techamendments_e.htm.

These proposals are then tabled in the Senate and the House of Commons, and referred to the Standing Senate Committee on Legal and Constitutional Affairs (the Senate Committee) and the House of Commons Standing Committee on Justice and Human Rights (the House Committee). If either Committee objects to a proposal for any reason, that proposal is withdrawn. The unobjectionable clauses are then combined in a Miscellaneous Statute Law Amendment bill, which generally receives speedy passage through Parliament because any potentially offensive clauses have been removed.

The Proposals for a Miscellaneous Statute Law Amendment Act, 2001 (*Proposals 2001*) contained 115 proposals affecting more than 40 Acts, and were studied by the Senate and House Committees in the fall of 2001. The Senate Committee objected to seven proposals and the House Committee objected to ten proposals. Bill C-40, the Miscellaneous Statute Law Amendment Act, 2001, was then tabled in the House of Commons on 1 November 2001.

The House of Commons passed the bill in Committee of the Whole on 2 November 2001. Bill C-40 had First Reading in the Senate on 6 November 2001, where a possible technical problem was raised. Bill C-40 was referred to the Senate Committee on 20 November 2001.

Although 10 of 37 clauses in Bill C-43 are new, the majority would reinstate clauses dropped from Bill C-40 because of objections raised in one or both of the Senate and House Committees. Appendix 1 outlines the relationship between Bill C-40 and Bill C-43.

DESCRIPTION

A. *Fisheries Prices Support Act*

Clause 32 repeals the *Fisheries Prices Support Act*, and clauses 33 to 36 provide for transitional mechanisms. Clause 33 sets out the definition section for the transitional provisions; clause 34 dissolves the Fisheries Prices Support Board; clause 35 transfers all remaining rights, property, obligations and liabilities to Her Majesty, as well as giving the Minister of Fisheries and Oceans the power to take all actions necessary to close down the Board; and clause 36 continues all transitional legal proceedings.

As well, clauses 1, 16, 24, 25 and 27 remove a reference to the Fisheries Prices Support Board from schedules to the *Access to Information Act*, the *Financial Administration Act*, the *Payments in Lieu of Taxes Act*, the *Privacy Act* and the *Public Service Staff Relations Act*. These clauses were also in *Proposals 2001* and were not objected to by either the Senate or the House Committee.

B. Atlantic Canada Opportunities Agency Act

Clauses 2 to 4 amend this Act. Clause 2 eliminates the requirement that the Governor in Council approve agreements between the Minister of Industry and one or more of the Atlantic provinces. Clause 3 allows the Atlantic Canada Opportunities Agency (ACOA) to enter into arrangements with the Enterprise Cape Breton Corporation (ECBC) whereby ECBC exercises the powers of ACOA, “including the power to enter into agreements that commit moneys appropriated by Parliament for the purposes of the agency.” Clause 4 replaces the requirement that the Board of ACOA meet at least every three months with a requirement that they meet at least once a year.

These three clauses were included in *Proposals 2001*, and were objected to by both the Senate and House Committees.

C. Canadian Film Development Corporation Act

Clauses 5 to 15 change the name of the Canadian Film Development Corporation to “Telefilm Canada.” Clause 8 (clause 38 of *Proposals 2001*) deals with the establishment of the corporation, and the House Committee objected because of the way in which it was drafted. Although neither Committee objected to the equivalent of clauses 5, 6, 7, 9, 14 and 15 in *Proposals 2001*, the clauses were withdrawn because they could not stand without the equivalent of clause 8. Clauses 10 to 13 are new, and deal with ensuring the legal continuity of the corporation. They appear to be an attempt to deal with the drafting concerns raised in the House Committee.

D. Lieutenant Governors Superannuation Act

The clauses dealing with this Act were not included in *Proposals 2001*. Clauses 17 and 18 reduce the age at which a deferred pension becomes payable from 65 years to 60 years, as well as replacing various references to the masculine with references to the masculine or feminine.

E. National Capital Act

Section 3(4) of the *National Capital Act* states that the National Capital Commission consists of a Chairperson, a Vice-Chairperson and 13 other members. Of the 13 members, two must be from the city of Ottawa, one from the city of Hull, one from an

Ontario municipality – other than Ottawa – which is at least partly within the National Capital Region, and one from a Quebec municipality – other than Hull – which is at least partly within the National Capital Region. The remaining eight members are from other parts of Canada.

Taking the new municipal amalgamations into consideration, clause 19 amends the Act so that the five members from the National Capital Region would now consist of three from Ontario municipalities, with at least two from Ottawa, and two from Quebec municipalities with at least one from Gatineau.

Proposals 2001 contained a provision dealing with the Ottawa amalgamation, but this was withdrawn before the Committees, presumably because there was insufficient time to deal with the amalgamation affecting Gatineau.

F. *National Film Act*

Clause 21 repeals a section of this Act stating that the appointment of National Film Board staff with a salary over a certain amount, set by the Governor in Council, is not effective until approved by the Governor in Council. This provision was objected to in *Proposals 2001* by both the Senate Committee and the House Committee.

G. *Nuclear Safety and Control Act*

Clause 22 removes the requirement for Treasury Board approval of the terms and conditions of employment for Nuclear Safety Commission staff. Consultation with Treasury Board, but not Treasury Board approval, would be required to set the remuneration of Commission staff.

Clause 23 removes the requirement for Treasury Board approval for the amount paid for contractual services.

The House Committee objected to both these clauses in *Proposals 2001*.

H. *Public Service Staff Relations Act*

Clause 26 is new, and amends the definition of “employee” to include a person working for the Canadian Food Inspection Agency under a student employment program.

I. *Special Retirement Arrangements Act*

Clauses 28 and 29 are new amendments. The *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34, established various funds, including Pension and Superannuation Investment Funds for the public sector, the Canadian Forces and the Royal Canadian Mounted Police. *Proposals 2001* included changes to the *Pension Benefits Division Act* to include a reference to these new funds, and clauses 28 and 29 do the same for the *Special Retirement Arrangements Act*. Clause 29(2) corrects cross-references to the three Superannuation Acts.

J. *Telecommunications Act*

Section 73 of the *Telecommunications Act* deals with offences, and subsection 73(4) sets out certain offences that cannot be prosecuted without the consent of the Minister of Industry. Section 73(5) states that all other prosecutions require the consent of the Canadian Radio-television and Telecommunications Commission (CRTC). When *An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act*, S.C. 1998, c. 8, was passed, and Part IV.1 was added to the *Telecommunications Act*, no changes were made to subsections 73(4) and (5).

As a result, the CRTC would have to consent to a prosecution related to telecommunications apparatus, which was not the intent of the bill. Clause 30 amends subsection 73(4) so that the authority to consent to prosecutions made under Part IV.1, or under regulations made under section 69.4, rests with the Minister rather than the Commission.

The House Committee objected to this clause in *Proposals 2001*.

K. *Yukon First Nations Self-Government Act*

Section 10 of this Act provides for registries of First Nations' laws. Subsection 10(2), in both English and French, provides that a central registry may be established, and subsection 10(3) provides how a law enacted by a First Nation can be certified and placed in the registry. However, the English and the French differ noticeably in subsection 10(6). The English states that judicial notice can be taken of any law held in a central registry established under subsection 10(2). The French requires that the law must be "certifié conforme à l'original par la personne autorisée par la première nation," which is the same procedure used for laws not held in a central registry. Clause 31 removes these words.

The Senate Committee objected to this clause in *Proposals 2001*.

APPENDICES

Appendix 1

The Relationship of Bill C-43 to the Proposals for the Miscellaneous Statute Law Amendment Act, 2001

Clause	Act	Senate Committee	House of Commons Committee	Clause # in MSLA Proposals
1	<i>Access to Information Act</i> (consequential to clause 32, repeal of the <i>Fisheries Prices Support Act</i>)			2
2	<i>Atlantic Canada Opportunities Agency Act</i>	Objected to	Objected to	5
3	<i>Atlantic Canada Opportunities Agency Act</i>	Objected to	Objected to	7
4	<i>Atlantic Canada Opportunities Agency Act</i>	Objected to	Objected to	8
5	<i>Canadian Film Development Corporation Act</i>			35
6	<i>Canadian Film Development Corporation Act</i> Clauses 35-37 and 39-41 of the MSLA proposals (clauses 5, 6, 7, 9, 14 and 15 of Bill C-43) were contingent upon clause 38, and were removed from Bill C-40 when clause 38 was objected to.			36
7	<i>Canadian Film Development Corporation Act</i>			37
8	<i>Canadian Film Development Corporation Act</i>		Objected to	38
9	<i>Canadian Film Development Corporation Act</i>			39
10	<i>Canadian Film Development Corporation Act</i>			New
11	<i>Canadian Film Development Corporation Act</i>			New

Clause	Act	Senate Committee	House of Commons Committee	Clause # in MSLA Proposals
12	<i>Canadian Film Development Corporation Act</i>			New
13	<i>Canadian Film Development Corporation Act</i>			New
14	<i>Canadian Film Development Corporation Act</i>			40
15	<i>Canadian Film Development Corporation Act</i>			41
16	<i>Financial Administration Act</i> (consequential to clause 32, repeal of the <i>Fisheries Prices Support Act</i>)			62
17	<i>Lieutenant Governors Superannuation Act</i>			New
18	<i>Lieutenant Governors Superannuation Act</i>			New
19	<i>National Capital Act</i>	Withdrawn	Withdrawn	72
20	<i>National Capital Act</i> Clauses 19 and 20 in Bill C-43 modify clauses 72 and 73 in the original Proposals to provide for the new city of Gatineau.	Withdrawn	Withdrawn	73
21	<i>National Film Act</i>	Objected to	Objected to	75
22	<i>Nuclear Safety and Control Act</i>		Objected to	76
23	<i>Nuclear Safety and Control Act</i>		Objected to	77
24	<i>Payments in Lieu of Taxes Act</i> (consequential to clause 32, repeal of the <i>Fisheries Prices Support Act</i>)			84

Clause	Act	Senate Committee	House of Commons Committee	Clause # in MSLA Proposals
25	<i>Privacy Act</i> (consequential to clause 32, repeal of the <i>Fisheries Prices Support Act</i>)			99
26	<i>Public Service Staff Relations Act</i>			New
27	<i>Public Service Staff Relations Act</i> (consequential to clause 32, repeal of the <i>Fisheries Prices Support Act</i>)			100
28	<i>Special Retirement Arrangements Act</i>			New
29	<i>Special Retirement Arrangements Act</i>			New
30	<i>Telecommunications Act</i>		Objected to	106
31	<i>Yukon First Nations Self-Government Act</i>	Objected to		108
32	Repeal of the <i>Fisheries Prices Support Act</i>			111
33	Transitional to the repeal of the <i>Fisheries Prices Support Act</i>			112
34	Transitional to the repeal of the <i>Fisheries Prices Support Act</i>			113
35	Transitional to the repeal of the <i>Fisheries Prices Support Act</i>			114
36	Transitional to the repeal of the <i>Fisheries Prices Support Act</i>			115
37	Coming into force provisions			—

Appendix 2

Clauses in the Proposals for a Miscellaneous Statute Law Amendment Act, 2001 not found in either Bill C-40 or Bill C-43

Clause	Act	Senate Committee	House of Commons Committee
59	<i>Energy Monitoring Act</i> , s. 42 Would have repealed the section requiring the Act to be reviewed by a Committee of the House of Commons.	Objected to	Objected to
74	<i>National Energy Board Act</i> , Definition section Would have changed the definition of “Minister” (where navigable waters are concerned) to implement SI/95-46, which transferred control and supervision of the Canadian Coast Guard to the Minister of Fisheries and Oceans.	Objected to	
105	<i>Railway Safety Act</i> , s. 51 Would have repealed the provision providing for a review of the Act. The review did take place.		Objected to