

*Marketing Act*

the people as a whole but by the representatives of occupational groups, and it may be a very limited group in a particular occupation, and is always a self-interested group. There are none of the safeguards here which the Dominion Elections Act affords to all classes whose rights and liberties are likely to be affected by legislation. There is no secret ballot, no qualification of candidates, no qualification of voters—no parliamentary practice or procedure—none of the qualifications or obligations required of those who are the recognized law makers. All these are thrown to one side, and hereafter any interested group for its own purposes, if it can get away with it, can make an offence to which the penalties now being framed by this House of Commons shall apply. Parliament itself under the constitution has exclusive powers in that regard. So far as giving the governor in council power to create the offences to which these penalties shall apply I submit that parliament is thereby simply handing over to the governor in council a function and a power which the constitution has reserved to parliament alone, and which parliament cannot properly divest itself of and give in its entirety even to the governor in council. What we are being asked to do here, in the words of Lord Hewart, Chief Justice of Great Britain, is “to subordinate parliament, to evade the courts and to render the will or the caprice of the executive unfettered and supreme.” The gravest feature of all is that while to a certain extent parliament might be prepared to countenance the making of regulations by subordinate bodies, it should be asked to permit such bodies instead of parliament itself to create criminal offences. That is going beyond any rights, it seems to me, which this house has.

Section agreed to, on division.

Mr. NEILL: Before proceeding to part II, Mr. Chairman, would it not be better to finish part I? Subsection 7 of section 4 stood.

Mr. MOTHERWELL: Part II deals with investigations.

Mr. NEILL: A subsection was allowed to stand for redrafting.

Mr. MOTHERWELL: Subsections 7 and 8 of section 4.

Mr. WEIR (Melfort): The hon. member for West Edmonton (Mr. Stewart) asked that subsection 9 of section 3 be allowed to stand.

[Mr. Mackenzie King.]

Mr. NEILL: I am referring to subsections 7 and 8 of section 4. Subsection 7 reads:

The board may utilize the fund created by the charges or tolls in connection with the exercise by it or by a local board of any of its powers or for the pooling of returns.

And so on. That stood for redrafting.

Mr. DUPRE: Subsection 9 of section 3 was allowed to stand, and we will deal with that first.

On section 3, subsection 9—Payments authorized.

Mr. DUPRE: I move that subsection 9 of section 3 be deleted and the following substituted therefor:

The governor in council may from time to time authorize payment to the board, out of moneys to be appropriated by parliament, of such sums of money as may be required to assist in the organization of local boards, to defray the operating expenses of the board incurred by it directly, and any expenditure incurred or authorized by the board under the authority of section 9 hereof.

Mr. MACKENZIE KING: The first part of this subsection in connection with the appropriation of money by parliament was agreed to, but the section was then held over in order to add that part referring to the assistance to be given for the organization of local boards. I am not taking exception to this amendment but I would direct the attention of the committee to the fact that under the British act the local boards organize themselves and then subsequently come to the central body which thereafter may assist them financially, or in ways that may be necessary. What is here proposed, like most everything else in this act, is the other way around, it enables the governor in council out of the public treasury to assist in the formation of boards which may have to do with the limiting of production and the restriction of trade. As long as that is what the minister intends to do, all right, but we should know how far we are going.

Amendment agreed to.

Section as amended agreed to.

Mr. DUPRE: I move that the following be added to section 4 as subsection 7:

A fund created by charges or tolls imposed in connection with the scheme of regulation may be utilized by the board or by the local board, if so authorized by the board, for the purposes of such scheme, including the creating of reserves and in the case of charges or tolls imposed in respect of the marketing of any product under the direction of any board or agency established under the law of any province to regulate the marketing of any natural product, the board may direct that the charges or tolls be utilized by and for the purposes of such board or agency.