

*Public Works Act*

(iv) the corporation may without by-law enter into agreements with any person or persons for the purpose of fixing and collecting compensation in lieu of imposing such annual charge by by-law;

**Mr. Adamson:** I was in the committee when this took place and I took exception to the passing of this bill by the commons committee.

**Mr. Fournier (Hull):** That is probably why the Senate amended it.

**Mr. Adamson:** At last the Senate has justified its existence.

**Mr. Fournier (Hull):** The hon. member for York West seems to agree to the substance of this amendment, and the government sees no objection to it.

**Mr. Green:** May I ask a question? Is it a fact that these amendments are the result of an agreement between the Toronto harbour commission and the people who were opposing the bill?

**Mr. Fournier (Hull):** And the city.

**Mr. Green:** Between the commission and those in opposition to the bill. I understand that that is why these amendments are in this shape.

**Mr. Benidickson:** Mr. Speaker, to an extent that can be said, but I think I should qualify that by saying that the amendment comes before us because the Toronto harbour commission and the representatives of the people who might have objected to the rates sensed the feeling of the Senate committee, and as a result collaborated in this amendment.

**Mr. Adamson:** When the bill was first introduced the then council of the city of Toronto had not made up their minds what they really wanted in this bill. Eventually they did, and I think these amendments are good and should be adopted.

**Mr. Fournier (Hull):** The fourth amendment is found on page 2, line 35, and reads: After the word "transshipped" insert the words "by water". The last amendment is found on page 2 and reads: Immediately after line 42 add the following subclause:

(7) Section twenty-one of the said act is further amended by adding thereto the following subsection:

(5) No rate, toll or charge made under this act shall be construed as applying to trucks or other vehicular traffic duly licensed by competent authority or to the contents thereof.

Motion agreed to, amendments read the second time and concurred in.

**PUBLIC WORKS ACT****TENDER BY PUBLIC ADVERTISEMENT FOR EXECUTION OF WORK**

**Hon. Alphonse Fournier (Minister of Public Works)** moved the second reading of Bill No. 26, to amend the Public Works Act.

**Mr. Green:** Is the minister going to make a statement on this?

**Mr. Fournier (Hull):** A very short statement. It is a short bill. The government has brought in this bill to reaffirm our faith in the tenders system for public works.

**Some hon. Members:** Oh, oh.

**Mr. Knowles:** That ain't the way I heard it.

**Mr. Hees:** That is not the way I read it.

**Mr. Graydon:** Is the government wavering?

**Mr. Fournier (Hull):** No, I have studied what took place in Sir John A. Macdonald's government. I did not know whether I should base our policy on that of Sir John A. Macdonald—

**Mr. Graydon:** If you kept on reading it it would help you a lot.

**Mr. Fournier (Hull):** Here is what the new bill says:

Where a work is to be executed under the direction of a department of the government, the minister having charge of that department shall invite tenders by public advertisement for the execution of the work.

As we find in every general statute of law, there are some exceptions.

**Mr. Knowles:** Hear, hear.

**Mr. Fournier (Hull):** But the exceptions should not overshadow the great principle of asking for tenders.

**Mr. Knowles:** That is right, they should not.

**Mr. Fournier (Hull):** And they will not while I am Minister of Public Works. Here are the exceptions:

(a) the work is one of pressing emergency in which the delay would be injurious to the public interest,

(b) the work can be more expeditiously and economically executed by the employees of the department concerned, or—

Subsection (c) refers to limited contracts where the minister could use his own judgment to an amount of \$5,000. That dates back to 1886. At that time \$5,000 was a large sum. Today people say it is not quite so valuable, that is why we propose—

**Mr. Knowles:** A new ceiling?

**Mr. Fournier (Hull):** No, I am proposing that I get further under the controls of treasury board and the governor in council. The bill contains these words:

—the minister is satisfied that the nature of the work renders a call for tenders by public advertisement impracticable—

And those who have had any experience in construction work will understand that word. And it continues:

—and that the public interest can best be served by entering into a contract for the execution thereof without inviting such tenders.