

Hon. Mr. HAYDEN: I agree with my friend.

Hon. Mr. McGEER: Then there can be no question that if the Governor in Council makes the regulations, he can rescind or change or extend them. So I say that while you are legislating the Governor in Council into the administration of the tremendous field of activities contained in this bill, you are doing worse than governing by order in council; you are giving those powers to a board. But there is nothing in the bill which reduces government by order in council that is not contained in the order in council under which the board is operating. By the National Emergency Transitional Powers Act we have given the Governor in Council power to make these very same regulations, and in these powers the whole bill is to be found. Turn to Section 35 and look at the clause contained there:

The board may make regulations

(a) prescribing forms of applications for permits, declarations and permits, including different classes of permits;

(b) prescribing terms and conditions to be inserted in applications and permits;

(c) prescribing the procedure to be followed by applicants for permits or in other applications to the board under this act;

(d) prescribing that persons who would otherwise be residents shall be deemed to be non-residents or that persons who would otherwise be non-residents shall be deemed to be residents for any of the purposes of this act;

The board can tell a man living here that he does not live here, and that a man not living here does live here. But listen:

(e) notwithstanding anything to the contrary contained elsewhere in this act, exempting any person or any class of persons or any transaction or class of transactions from any provision of this act;

That is not done by order in council, it is done by regulation of the board, and once approved by the Governor in Council it becomes part of the law of the land, only changeable if the board recommends a change.

(f) prescribing the manner in which the provisions of this act shall apply in respect of transactions between branches or agencies of any business or undertaking outside of Canada and branches or agencies of the said business or undertaking in Canada;

(g) providing for any matter which under this act may be provided for by regulation; and

(h) generally with respect to any matter arising in the course of or connected with or necessarily incidental to the board's operations, or necessary for the efficient administration or enforcement of this act and for carrying out its provisions according to their true intent, meaning and spirit and for the better attainment of its objects.

2. No regulation shall be effective until approved by the Governor in Council and published in the Canada Gazette.

I am in favour of that sub-section; but I ask the leader of the government if he sees any objection to having those regulations made by the Governor in Council direct?

Hon. Mr. ROBERTSON: My answer at the moment is that I do not, and I certainly hope that will be done. But that is another good argument for giving the bill second reading, which apparently my honourable friend is against. When the bill has been referred to committee it can be amended.

Hon. Mr. McGEER: I asked the Acting Minister of Finance that question before the committee, and he informed me he was going to take it up with the Justice Department. I assumed he might have done so and reported to his leader in this house, but apparently not. Most certainly I am glad to hear from the leader of the opposition that he agrees—

Some Hon. SENATORS: Leader of the government

Hon. Mr. McGEER: I have always been on the side of the government in politics, and so for the last thirty-five years I have been referring to the leader of the opposition. I always wanted to be in opposition.

An Hon. SENATOR: You are.

Hon. Mr. McGEER: I made that mistake because I happen to be in the right party, but on the wrong side of the house on this particular subject.

Hon. Mr. ROBERTSON: I can assure my honourable friend that as I understand this bill the board can do nothing without the authority of the Governor in Council. If such is not the case, or there is something the board can do that cannot be undone by the Governor in Council, I would welcome the honourable senator's pointing it out when the bill goes to committee.

Hon. Mr. McGEER: I am pointing it out now, and I hope it will get the attention which it deserves when the bill goes to committee.

Now, it may surprise some honourable senators to observe that I find something in this bill with which I most heartily agree.

Some Hon. SENATORS: Oh, oh!

An Hon. SENATOR: It must be pretty good.

Hon. Mr. McGEER: I refer to section 71 (2). It reads:

(2) Notwithstanding anything contained in section 26 of the Bank of Canada Act, the Bank of Canada shall not, unless the Governor in