

man realize a power does not exist. It is so easy for one to say: Why cannot you make that a crime? I confess that I am one of those who in my younger days believed that parliament could make anything a crime. I thought that power did exist, and when the privy council declared it did not, I had to revise my views. That is one of the things lawyers have to do, revise their views from time to time as decisions are made as to what rules shall govern in determining whether or not a particular statute is within or without the powers of parliament. Leaving criminal law for the moment I desire to deal with one other matter.

It is said, for instance, that the statutes which are now before the house fail to implement the promises that have been made with respect to what parliament would be asked to do, and particular reference has been made to the live stock industry and the live stock statute. Well, sir, there is perhaps no one single matter that engaged the attention of the Department of Justice more than that, and the difficulty of the price spreads commission lies in the fact that it did not adequately understand the extent to which existing legislation granted a remedy. That is the real trouble. For instance, on the question of the difficulties with respect to live stock I hold in my hand a memorandum submitted to the Minister of Justice (Mr. Guthrie) by the Department of Agriculture, and I am going to read part of it:

"As a step toward the solution of some, at least, of the problems..." of the producers of live stock, the royal commission on price spreads recommends that a live stock board be established under appropriate jurisdiction.

It is evident that the suggested duties of such a board, as summarized in section 15 on page xxii of the report, have been outlined with but scant recognition of the extent to which many of them are now being performed by the Department of Agriculture, and without consideration of the possibility of providing for the performance of practically all of the remainder through minor amendments to existing legislation, more particularly the Live Stock and Live Stock Products Act.

It is the considered opinion of the department that the creation of a live stock board for the purposes outlined would result in overlapping of, and confusion in respect of administrative authority, and that it would seriously retard progress which, through constructive effort over a long period of years, has been made in encouraging the production of improved live stock and in safeguarding the producer in the marketing of it. Increased momentum in the direction of the objectives defined in the commission's recommendations can, in the opinion of the department, best be attained under authority of the Natural Products Marketing Act and of the Live Stock

[Mr. Bennett.]

and Live Stock Products Act, amended where necessary to provide for extension of this authority.

Dealing specifically with the duties of the proposed live stock board as outlined by the commission, the comment of this department is as follows:

"(a) The prompt dissemination of information to producers and the trade generally, in respect to production, marketing, stocks, and prices, both export and domestic."

Through the markets intelligence service of the live stock branch, market information is now assembled by telegraph from all stockyards in the country, and by cable from Great Britain. This information is supplied to the daily press and to broadcasting stations. It covers:—numbers of all classes of live stock marketed in each yard, price ranges, grade by grade, movements within the dominion and on export, comparisons with previous years, comments on price tendencies, et cetera, and, in the form of weekly summaries, monthly reports and annual reviews, is available to producers and to the trade.

"(b) Administrative jurisdiction in matters connected with all phases of live stock marketing and in connection with disputes between producers, processors, et cetera:"

Under the authority of the Live Stock Products Act, the department has for years exercised administrative jurisdiction in matters connected with live stock marketing. This authority has been extended from time to time to provide for increased encouragement of, and protection to producers, and, as indicated in dealing with sections 1 to 14 in the commission's recommendations, is capable of further extension.

Section 17 (1) of the Natural Products Marketing Act provides that "The minister may, at the request of the board or upon his own initiative authorize an investigation into the cost of production, wages, prices, spread, trade practices, methods of financing, management policies, grading, transportation and other matters in relation to the production and marketing, adaptation for sale, processing or conversion of any natural or regulated product." In addition, under section 4 (b) of the Live Stock and Live Stock Products Act, authority is given to the governor in council to make regulations prescribing "the manner in which complaints against the operation, maintenance, or management of stockyards shall be made and investigated."

Again, under section 4 (j) of this act, authority is given for the making of regulations prescribing "the manner in which complaints against live stock exchanges, cooperative associations, commission merchants, dealers, or members of live stock exchanges, shall be made and investigated:"

There is the power which has existed for years. Why pass another statute which will overlap the existing laws? As is known to hon. members, the difficulty lies in the lack of enforcement of the laws of Canada; it is not in connection with laws, which if slightly amended, as has been done in this case, will meet the situation to which the price spreads reports direct attention. The difficulty has been that no one has been charged with the enforcement of these laws and that is why