

If special bylaws are required dealing with those matters, I think they should be confirmed by order of the governor in council. Take the next paragraph:

(c) the regulations of the construction and maintenance of wharves, piers, buildings or any other structures within the limits of the harbours, and anything incidental thereto.

With regard to a great harbour such as Montreal, with its vast population and commercial and mercantile interests, these bylaws will affect very many interests. Therefore they should be confirmed by orders in council and become effective only when they have been published in the *Canada Gazette*, so that all parties interested may have proper notice of what the law is, since a succeeding section gives them the same force and effect as if incorporated in the statutes.

The making of such bylaws is an act of legislation for which parliament has conferred power upon the governor in council from time to time, but which should be very reluctantly conferred upon the gentlemen appointed by order in council as commissioners of the harbour board. Take paragraph (d), which states:

(d) the imposition and collection of tolls for any use of any bridge under the administration, management and control of the board.

That is an important matter. The governor in council should take the responsibility for such charges, and they should be made known, as the imposition of all such changes is made known, by publication in an official journal. Then, turning to paragraph (e) we find that it deals with the imposition and collection of rates and tolls on vessels or aircraft, and so on. Then paragraph (f) deals with:

(f) the regulations of all plant, machinery or appliances, whether floating or not, for loading or unloading vessels, including the power to prescribe that none shall enter any harbour or remain in it without the permission of the board—

And so on. Those by-laws also are of the nature of legislative enactments which, if they are to have the same force and effect as if incorporated in the statute, should be made by the governor in council, and they should be published in the *Canada Gazette* so as to give notice to the vast commercial and mercantile interests of a great city such as Montreal of the duties, obligations and penalties thereby imposed upon them.

Then, paragraph (g) deals with:

(g) the granting of pensions and/or the making of contributions to pension or insurance funds and the providing of annuities for employees of the board.

[Mr. Cahan.]

That partakes of a dual character. These matters involve large expenditures of public funds, and I suggest that the rules and regulations governing such expenditures should be authorized and approved by the governor in council, because they are really legislative matters. In effect they are a sort of usurpation of parliamentary power and authority but, as we have found in practice, such usurpation is sometimes necessary. Never before have I noticed in the statutes power given to three gentlemen who may be appointed as a board, to sit in the place of parliament and to enact new laws for the proper administration of a particular act.

In closing may I say that I have not drafted any section in amendment, but I believe the section might well be redrafted. I think the ordinary procedure should be that the minister, as advised by the members of the board or otherwise, should make the usual recommendations to the governor in council, and that the governor in council should enact the bylaws or rules and regulations which are to govern, or at least approve them before they are enforceable. I should like again to impress that suggestion upon the minister.

Mr. HOWE: As my hon. friend knows, I am exceedingly anxious to fall in with his views. I wonder whether this amendment would meet the situation he has in mind:

That subsection 4 of section 13 of the said bill be stricken out and the following substituted therefor: "No such bylaw nor any part thereof which affects any person, other than the board or the officers or employees of the board, shall have force and effect until confirmed by the governor in council and published in *The Canada Gazette*."

Mr. CAHAN: That is very much better.

Mr. HOWE: Does it suit the hon. member, because after all if we are attempting to please him we might as well be sure that we do.

Mr. BENNETT: It is not a question of pleasing us.

Mr. CAHAN: Not at all. We are trying to put the bill into as good shape as possible, so that it may meet with as little opposition as possible when it is considered in another place.

Mr. BENNETT: Once more I ask the minister to try to disabuse his mind of the thought that it is a question of pleasing us, at all. What we are endeavouring to do is to submit suggestions that, we believe, are in the public interest, and I must say that I do not think anywhere in any legislation you