

Explosives Act

quantity is less than 150 pounds and is for private use it must be stored in a place and under conditions as described in the explosives regulations, part 13 of the consolidation of the Explosives Act and regulations. I have some copies of the act and the regulations here if the hon. member would like to have a copy.

The hon. member for Peterborough asked if it was lawful to carry explosives in automobiles. There is nothing in the act to prohibit a person from carrying explosives in a private automobile, but if the quantity exceeds five pounds there are certain regulations which must be observed. If the automobile is a public carrier, such as a taxi, it would be unlawful to carry explosives at all.

Mr. Fraser (Peterborough): The reason I asked that question is that quite often a farmer or someone may require explosives to blow up a stump, and he cannot have a public carrier transport it for him as he may have to go 20 or 30 miles to get it. He carries it in his own car. With the five-pound limit would he have to have a special place to store it?

Mr. Prudham: Yes.

Mr. Nowlan: This clause 4 repeals subsection 1 of section 5 of the act and substitutes a new subsection. The old subsection contained the words "except as provided in this act" and the new subsection contains the words "except as provided by the regulations". I do not think there is any other change in the wording of the subsection. I am wondering why the minister felt it necessary to delete the word "act" and substitute therefor the word "regulations".

I have protested against this practice before, so I shall not labour the matter at this time. This statute has been on the books for many years and it spelled out in part what was prohibited, so there must be some good reason why that should now be abolished and we should simply have the word "regulations" substituted therefor. It will be impossible now by reading the act to find out what is prohibited and what is not. We are simply having a blanket change, taking out the word "act" and substituting therefor the word "regulations".

No doubt the minister and his advisers will draw up proper regulations, but if you want to find out what is in the regulations you have to go to some back corner of the *Canada Gazette*. I am speaking rather feelingly now as a lawyer practising in the country, because when you have to deal with these things you like to find them in the statute. I contend

that there should be something more in the statute than the blanket power to the minister to make regulations. For years the statute has prohibited certain things, and I should like to know why this change is being made. The Minister of Justice is in the chamber; he has heard me make the same complaint before. However, I am afraid it fell on deaf ears.

In my opinion this is a wrong principle against which this house should protest. There should not be a continual repealing of sections and substituting therefor of regulations. This is the most flagrant case I have ever seen, because all it does is take out the word "act" and substitute therefor the word "regulations". I do think the minister should give some logical and forceful explanation as to why this is being done. Otherwise I shall have to protest against it.

Mr. Prudham: Mr. Chairman, the main reason that "regulations" is being substituted for "act" in this subsection is that in these days of fast development in the resources field, conditions are continually changing. If all the regulations were incorporated in the act it would be most inflexible and would not meet changing conditions.

Mr. Nowlan: To use a slang expression, I will buy that to a certain extent. I realize that conditions are changing and that the minister should have power to deal with special circumstances or emergencies which require regulations. But there are basic conditions which should be governed by acts of parliament. That is what we are supposed to be here for. That is why we pass legislation.

This argument about changing conditions should apply also to the Minister of Justice and the Minister of Labour. Every minister is faced with changing conditions. If we are going to accept that argument we had better close up this place and rent it, and simply pass a blanket act to say that we are abdicating and hereafter the government can pass regulations. I do not think we want to do that. I do not think we should do that.

I am perfectly willing to admit that the minister should have the power to make regulations, and I am perfectly prepared to leave it to his good judgment; but I do not think he should have the power to substitute himself and his regulations for what heretofore has been an act of parliament.

Mr. Macdonnell: Mr. Chairman, I should like to add just a word on this subject of regulations. As the hon. member says, it is not merely this power that is given; it is given in such a way that we must object. For example, in connection with the housing