

action to be taken promptly. As we all know the privy council sometimes does not sit for considerable periods of time, and sometimes action has to be taken immediately. No serious harm can be done, because the council, which may allow in one case, can disallow in another. Its full rights are preserved under this section.

Mr. CAHAN: I do not think so. The hon. gentleman has made some reference to the experience of a lawyer, but I will venture to put my experience with his in the administration of large undertakings, both in regard to their construction and their operation. Although I have not perhaps the technical training which he has. I have had that experience, and in the light of it I say that there are certain regulations which the harbour commission should be authorized to make, dealing with internal management, but there are others which should be made by bylaws, if you will, authorized or confirmed by the government which must take the responsibility with respect to them. These are regulations of a permanent character. Take for instance:

(b) the use of the harbours and their facilities by vessels and aircraft—

And so on. Permanent regulations should be made in that regard.

Mr. HOWE: But temporary regulations may be necessary sometimes.

Amendment (Mr. Ilsley) agreed to.

At six o'clock the committee took recess.

After Recess

The committee resumed at eight o'clock.

Mr. CAHAN: When the committee rose I was calling attention to the fact that the bylaws which are to be made by the board under section 13 are in effect given the same force of law as if enacted by parliament, and inserted in this bill. The provision is subsection 6:

Any such bylaw upon coming into force and effect shall, unless and until disallowed as in subsection 5 of this section provided for, have the same force and effect as if enacted herein.

That subsection, taken with the other subsections, provides that the commissioners may proceed to legislate as effectively as if the bylaws were considered and enacted by the parliament of Canada.

I also called attention to the fact that in years past, especially during the past five

years, strong opposition was made to certain provisions which authorized the governor in council to make rules and regulations—call them bylaws if you will—with regard to the effective administration of the acts then being passed. For my own part and on the part of my colleagues in the late government, we at times suggested that it was impossible, in drafting and enacting a new measure of such comprehensive character as this, to formulate and insert in the original act the bylaws or rules and regulations governing the administration of the act, which bylaws necessarily have to be amended from time to time. But this section and subsection go very much further. This is a case of providing, not that the governor in council may make bylaws, rules and regulations having the force and effect of the statutes, but that three gentlemen appointed by the governor in council shall have authority to enact bylaws which will have the same force and effect as if incorporated in the act passed and enacted by the parliament of Canada. That is going far beyond anything to which my hon. friends opposite have called attention in the past and which was the subject of their very severe criticisms.

I do not intend to draft a provision which will take the place of section 13 in its entirety, but I suggested that with regard to bylaws which cover and control the internal management of the board, dealing with its own employees, their respective duties and times of attendance and the like, it should be quite competent for the three members of the harbour commission to make such bylaws. But when it is a case of making bylaws which affect vast public and private interests and which have the force of legislation, then new conditions arise. Call them bylaws or orders or rules or regulations as you will; the term applied is not important, but they should be recommended in due course by the minister to the governor in council and should be authorized and confirmed by council and published in the Canada Gazette. Then, when the public who are interested have notice by such publication, such bylaws should be as fully effective as if incorporated in the statute. I was suggesting to the minister that section 13 should be amended in accordance with that proposal.

Take, for instance, some of these provisions:

(b) the use of the harbours and their facilities by vessels and aircraft and the agents, owners, masters or consignees of the same; and for the lease or allotment of any of the harbour property, plant or facilities.