

2. Resolved, that the aforesaid section six of the customs tariff be further amended by striking thereout subsection eight thereof and substituting in lieu thereof the following:—

(8) The minister may make such regulations as are deemed necessary for carrying out the provisions of this section and for its enforcement, and such regulations may also provide for the exemption from special or dumping duty of any imported article when the minister is satisfied that the article or class of articles is not available at fair competitive prices in any consuming market in Canada owing to the remoteness of such market from the Canadian source of supply.

Mr. BENNETT: I think the real reason why action was taken to modify the provisions mentioned by the minister was that under the combines act power was given which previously existed in respect to that, and I believe the government of the day thought that was sufficient. Was it repealed? I think it was modified, not by the previous government but by its predecessor in office after the combines act in its present form was held to be valid by the privy council.

Mr. ILSLEY: I should like to withdraw this resolution. We have considered it and it certainly will not cover the case in its present form. I should like to ask unanimous consent that it be withdrawn. The effect will be to leave the subsection in these words:

The minister may make such regulations as are deemed necessary for carrying out the provisions of this section and for its enforcement.

It would stop there. It is just as though I am asking that all the words after "enforcement" be deleted. Those words open up a very difficult and important question.

Mr. BENNETT: The government is still protected by the general provisions with respect to the regulations?

Mr. ILSLEY: Yes.

Mr. BENNETT: That is, the general power to make regulations has not been impinged upon. As I read it I realized that it might be open to some difficulty, but after all this government regards difficulties as one of the main reasons for its existence.

Mr. DUNNING: It does.

Mr. BENNETT: It did, I think is better.

Resolution 2 withdrawn.

3. Resolved, that the aforesaid section six of the customs tariff be further amended by adding thereto the following subsection:—

(10) For the purposes of this act articles shall not be deemed to be of a class or kind made or produced in Canada unless so made or produced in substantial quantities; and the

governor in council may by order in council provide that such quantities, to be substantial, shall be sufficient to supply a certain percentage of the normal Canadian consumption and may in such order fix such percentage.

Mr. MacNICOL: What definition does the minister give to the term "substantial quantities"?

Mr. BENNETT: Is the whole of section 8 withdrawn?

Mr. ILSLEY: The whole of resolution No. 2 is withdrawn.

Mr. BENNETT: The new subsection 8?

Mr. ILSLEY: Yes.

Mr. BENNETT: Because as the law now stands it reads:

The minister may make such regulations as are deemed necessary for carrying out the provisions of this section and for its enforcement.

Mr. ILSLEY: Yes.

Mr. BENNETT: It is to be left as it was, without change.

Mr. ILSLEY: Yes. Then, with regard to resolution No. 3, the hon. member has asked my definition of the term "substantial quantities." Am I correct?

Mr. MacNICOL: Yes.

Mr. ILSLEY: The resolution provides that:

The governor in council may by order in council provide that such quantities, to be substantial, shall be sufficient to supply a certain percentage of the normal Canadian consumption and may in such order fix such percentage.

The hon. member may recollect that there was an interchange of notes with Japan whereby this government undertook that "substantial quantities" would not be regarded as substantial quantities unless the amount produced in Canada was sufficient to supply at least ten per cent of normal Canadian consumption. I anticipate that the order in council which is passed will fix that percentage as the percentage which constitutes a substantial quantity.

Mr. NEILL: Why not put it in the subsection?

Mr. BENNETT: I protest against government by order in council. The idea of any government endeavouring to deal with a matter so important as this, by order in council!

Mr. MACKENZIE (Vancouver): Hear, hear.