

*Aeronautics Act*

new regulations but to make orders or directions with respect to such matters as come within the section.

This section has come into play in a number of emergency situations. For instance, section 4(1)(a) of the present act refers to regulations governing the licensing of pilots and others engaged in the navigation of aircraft and provides for the suspension or revocation of such licences. I am sure hon. members can readily contemplate that in certain circumstances quick action is needed and that the minister should have authority under the regulations to make an order or direction for the suspension or revocation of a licence.

**Mr. Nielsen:** Would the minister not agree that this is a vastly different situation from the kind of power which is being sought in the amendment in the bill before us?

• (4:50 p.m.)

**Mr. Turner:** Yes it is, but I want to explain to hon. members how it was that this particular clause was inserted in the amendments. I should imagine it was inserted there on the advice of the law officers of the Crown in furtherance of the existing section in the statute. In other words, it is not a novel situation to have a form of subdelegation within the Aeronautics Act. I will get to the point raised by the hon. member for Yukon in just a moment.

Section 4(1)(d) of the present statute concerns regulations with respect to the conditions under which aircraft may be used and operated, and again I think hon. members would recognize that the minister must have immediate power to make orders or give directions affecting that sort of matter. Within the amendment as proposed the subclause, with respect, does not confer upon the minister the subdelegated power to make regulations but only to make orders or give directions. In other words, the subdelegation is narrower than envisaged by the Leader of the Opposition (Mr. Diefenbaker). However, having consulted with the officials of the department I am advised that they can live with the elimination of this particular subclause.

As a matter of fact, I may advise the house that when we get into committee on this particular subclause we would be prepared to have it dropped, and I want to thank the Leader of the Opposition and the hon. member for Yukon for drawing it to the attention of the house. I do not think that within its

scope it is nearly as dangerous as the hon. member for Yukon wished to portray it, but I do recognize the principle involved.

I should now like to go into the other matter raised by the Leader of the Opposition. As a matter of courtesy to him may I say that his fears, of which I had a certain extrasensory perception, are in no way justified. I am advised that the clause does not invalidate the terms of the present three members. In passing may I say that someone in the chamber asked me who the members of the Air Transport Board are. They are J. L. G. Morisset, chairman, J. R. Belcher and G. R. Boucher, Q.C. I am sure I can give the undertaking that their appointments will in no way be affected by this amendment.

The hon. member for Yukon mentioned a number of arguments which, with the consent of the house, Mr. Speaker, I would like to deal with in turn. I am well aware of the hon. member's own prowess and experience in the air, having flown with him on many occasions throughout his own constituency, and if that is not a pioneering spirit I want to know what is, Mr. Speaker. It was one of the most adventurous tours I ever made while serving as a member of this house and I pay full tribute to his skill at the controls.

The bill refers to flights within Canada. It does not contemplate jurisdiction for charges for availability of services over the high seas. Therefore it is my understanding that the Gander control area would not be affected. But lest I misled the house by inadvertence in my initial statement may I say it would include that part of an international flight over Canadian territory.

The hon. member for Yukon suggested that because we are now incorporating these charges under the authority of the Aeronautics Act their legality was in some doubt or subject to question while depending on the authority of the Financial Administration Act. Let me read section 18 of that act:

Where a service is provided by Her Majesty to any person and the Governor in Council is of opinion that the whole or part of the cost of the service should be borne by the person to whom it is provided, the Governor in Council may, subject to the provisions of any act relating to that service, by regulation prescribe the fee that may be charged for the service.

Therefore we can justify landing fees, telecommunications fees, hangar storage charges, aircraft parking charges, goods storage charges and aircraft moving charges. The