

The CHAIRMAN (Mr. Johnston, Lake Centre): It has been moved that after the word "ascertained," in line 28, subsection 3, there be inserted the words "and paid." Shall the amendment carry?

Amendment agreed to.

Section 11, subsection 3 agreed to.

Section as amended agreed to.

Section 12 agreed to.

On section 13—Bylaws:

Mr. ILSLEY: There again I have to move a formal amendment:

That paragraph (h) subsection 1 of section 13 of the said bill be amended by adding after the word "violating" in the second line of the said paragraph the words "or not observing."

It is in the reprint.

The CHAIRMAN (Mr. Johnston, Lake Centre): Is the amendment carried?

Mr. CAHAN: You may carry the amendment but please do not carry the section, for the present. With regard to section 13, I have very strong objections to it. This section provides that the board may make bylaws. This board in my view is in essence and effect a new department of government, and in dealing with any new department of government we have for a long time provided that the rules and regulations for carrying into effect the act constituting that body should be made by the governor in council. We have made that provision with regard to the relief commission; we made it with respect to many government commissions. I know that a great deal of opposition centres upon a government which attempts to legislate by order in council, but my view is that it is necessary and altogether expedient that, with regard to the administration of acts which are new, the government should be vested with authority or power to make rules and regulations which, when published in the Canada Gazette, should have the force of law, and that the usual objections to such rules and regulations when made by the governor in council and published in the Canada Gazette should not be entertained. But here is a board, and a government board, dealing with millions of dollars' worth of property which is vested in the crown in the right of the dominion government. It was regarded as objectionable by many gentlemen who sat on the opposition benches during the past five years if we vested in the governor in council authority to make rules and regulations gov-

[Mr. Cahan.]

erning the operations of such a board. Such rules and regulations are necessary, but I say it is altogether inexpedient to vest such legislative power in the three gentlemen who are to be vested with authority as commissioners under this proposed measure. Let the board make its recommendations to the minister; let the minister make those recommendations to the governor in council. But I insist that every rule or regulation, call it bylaw or call it regulation, which is finally put into effect, having the force of law, and which governs all matters of external interest, should be made by an order in council recommended in the ordinary course to council by the minister, and then approved and confirmed by the privy council and published in the Canada Gazette where every person may take cognizance of it. I think there is a clear distinction between such rules and the regulations which the commissioners may make with regard to their own internal management, such as the rules and regulations they may make as to the attendance of their officers and servants, matters of internal management. That is one thing: I have no objection to the commissioners making such regulations, or bylaws, but I certainly object in this day of responsible government to appointing three gentlemen to be in control of the harbour commissions of Canada and then allowing them to sit in the place of parliament and in the place and stead of government and legislate with regard to the carrying into effect and administration of the act. That is such a sorry suggestion that I cannot think the committee, after due consideration, will agree to it.

Mr. HOWE: This also was put in after considerable study. Perhaps my hon. friend has spent a great deal of time in courts of law and has not been out sufficiently in the firing line of business. We must remember that these harbours have emergent conditions to meet. For example, some time ago there was a grave danger of a boat carrying away a pier in Vancouver harbour, and it was necessary immediately to impose a regulation governing the movement of boats near that bridge. Such things happen quickly around harbours. We are not in this matter jumping off the end of the dock, so to speak. The same regulation is in the grain act, and for the same reason. The board of grain commissioners have power to impose regulations and the governor in council has the power of disallowance. This measure is taken from that act, and is taken for what we thought the very good purpose of allowing necessary