

Right Hon. Mr. MEIGHEN: Honourable senators, there are two amendments. Subsection 3 of section 414 as contained in the Bill passed by this House provided that the pilotage authority might be the Minister, the Acting Minister or the Deputy Minister. All were clothed with power and were in the position described in law as *persona designata*. The first amendment made by the House of Commons changes subsection 3 to read:

Whenever the Minister is appointed as pilotage authority for any district, his successors in office or any Acting Minister or, in the absence of the Minister, his lawful deputy, shall be the pilotage authority, and any such pilotage authority may by by-law confirmed by the Governor in Council, authorize the superintendent of pilots in the district to exercise any of his functions. Moreover, such pilotage authorities may, for such time or such purpose as he may decide, authorize any person to exercise any particular function or power vested in the pilotage authority by this Act or any by-law made hereunder.

Clearly the purpose is to meet the views of the pilotage people. We should like to meet their views, if possible, but I must say very definitely that the meaning of the Commons amendment is most uncertain, and the effect would be, I am sure, most unsatisfactory. For instance, it says:

Whenever the Minister is appointed pilotage authority for any district, his successors in office or any Acting Minister may act for him

"Any Acting Minister" might mean the Acting Minister of Labour. I presume the courts would hold that it meant the Acting Minister of the Department of Marine and Fisheries; but it is clumsily expressed. Here is the great difficulty. It says:

or, in the absence of the Minister, his lawful deputy, shall be the pilotage authority.

If the Minister is absent, where does the Acting Minister come in? Apparently the Acting Minister can act only when the Minister is present. Further, what does the word "absence" mean? Absence from where? Does it mean absence from the place where the pilotage is to be exercised, or absence from Ottawa? I do not know, and I do not think a court would know.

Clearly it was the intention to yield to the wishes of the pilotage people by making the Minister or the Acting Minister the real authority. I do not think this House would be justified in defeating the intent of this first amendment by the Commons. I do not see that the intent is desirable, but, on the other hand, it seems to me that it is not of sufficient importance for us to resist it. I move:

That the following changes be made in subsection 3 as amended by the House of Commons:

Line 3. Strike out the word "acting." After the word "Minister" insert the words "acting for him."

Line 4. After the word "absence" insert the words "from Ottawa." After the word "Minister" insert the words "or any Minister acting for him."

Subsection 3 as so amended would then read:

Whenever the Minister is appointed as pilotage authority for any district, his successor in office or any Minister acting for him or, in the absence from Ottawa of the Minister, or of any Minister acting for him, his lawful deputy shall be the pilotage authority. . . .

And so forth.

The second amendment made by the House of Commons is this:

Page 5, between lines 41 and 42, immediately after clause 1, insert the following clause:

1A. Subsection 12 of section 1 of this Act shall come into operation on a date to be fixed by proclamation of the Governor in Council to be published in the Canada Gazette.

I do not desire, nor do I think the House would, to oppose that amendment, but it seems to me there should be a change in the wording to make it conform to the phrasing adopted elsewhere in the Act. I would therefore add to the motion:

That the clause inserted by the second amendment of the House of Commons be changed to read as follows:

1A. Paragraph 12 of section 1 of this Act shall not come into operation until a date to be fixed by the Governor in Council and proclaimed in the Canada Gazette.

Right Hon. GEO. P. GRAHAM: Honourable members, I am not strongly in favour of providing that a statute shall come into force by proclamation, because such a provision is like an axe held over the heads of the people interested, and it may drop when least expected. However, I presume there would be some consultation before the proclamation would be issued.

Referring to the right honourable gentleman's suggestion that the words "from Ottawa" be added after the word "absence," it seems to me that if that were done some difficulty might arise. For instance, a Minister might be absent from his office through illness, and though he were still in Ottawa he would be for official purposes absent, just as if he were far distant from the Capital. Would it be wise to change the wording to "absence from Ottawa or through illness"?

Right Hon. Mr. MEIGHEN: No; because such a contingency is covered. If the Minister is ill in Ottawa the Acting Minister could substitute for him.

Right Hon. Mr. GRAHAM: But the Deputy could not.