

*Tariff Board*

Apart from that, as I said before when I spoke on the second reading of this bill, the finding of fact is not purely machine work. Someone has to exercise judgment, and the attitude of mind and the personal views of the men who sit in such a court or tribunal certainly have something to do with the way in which they marshal their facts and decide which one must be placed foremost and stressed. The manner in which the investigation is carried on also depends to a large extent on the views and character of the men who sit on that board. Everybody knows what happened in this country not very many months ago when there was an investigation, or a so-called investigation, into tariff matters. The gentlemen other than those who made the application were not, according to press reports, given a very hearty welcome when they appeared before that supposed court.

The right hon. the Prime Minister is dressing his baby in the dignified garments of a court in order to make it more interesting. But that will not deceive anybody, and I do not think my right hon. friend has improved his case by so doing. My right hon. leader protested yesterday against the violation of the principle that tariff and taxation should be absolutely under the exclusive jurisdiction of parliament; but there are other principles that are being violated if we have to accept the theory of my right hon. friend that this board is a court. When you have a court dealing with matters of policy, a court which will act, according to the words of this bill, under the direction of a minister, what becomes of this fundamental principle of the British constitution, that the judicial power and the executive power must be independent one from the other as well as from the legislative power? You cannot mix them altogether as my right hon. friend is trying to do in this bill.

There is another thing which my right hon. friend the Prime Minister claims is essential, and that is the permanency of the board, for at least a period of ten years. Even there he is going further than the example of the United States, where, after an experience of twenty years with tariff commissions, the United States has adopted means of having new men appointed to the commission each year. The members are appointed for six years only, and one member gives way at the end of the first year, to be succeeded by a new man, another at the end of the second year, to be in turn succeeded by a new man, and so on, so that automatically every year a new man is appointed to the board. As I said before, he is appointed by the president,

[Mr. Lapointe.]

but upon the advice and with the consent of the Senate. I think there is a great deal to be said for that method. It gives more elasticity to the board, a greater opportunity to appoint men to the board who will be more in sympathy with the prevailing trend of views on fiscal matters at the time of their appointment.

I do not think I have anything further to say, but before resuming my seat I should like to repeat and support the warning given by the leader of the opposition which the Prime Minister has called a threat but which, in fact, is only a fair warning. The men who would go on the proposed board would do so at their own risk and take their own chances. When the people of Canada inflict upon my hon. friends opposite the ignominious defeat which they may expect on the first occasion which presents itself, we will find means of doing away with the machinery they are now trying to organize so that their policies may be kept in effect.

Mr. IRVINE: The extended discussion on the measure now before the committee certainly indicates the importance which both sides of the house attach to the legislation before us. I did not happen to be in the house when the vote on the proposed amendment was taken, but I understand that on that occasion the group to which I belong voted against the amendment. I believe they so voted because although they may have disagreed with some of the particular sections of the bill they believed in its principle, and did not wish to be a party to its defeat.

I wish to say that if the fears as expressed by hon. members in the official opposition were possible I certainly would be opposed to the bill myself. I think we must recognize however that facts will not change with governments, and if certain facts which have been discovered by the proposed judicial body are established they will not alter one iota whether a Conservative government goes out and a Liberal government comes in or vice versa. If the board were to be a Conservative board, appointed by the Conservative party to make Conservative findings, then of course I would be opposed to it and I have no doubt everybody would be. If the government were guilty of appointing a body of that character I hope the Conservative party would be opposed to it. That is the kind of board which I think my hon. friends to the left of the Speaker are contending for. What else could they mean when they say that they want a board which would be in sympathy with the policy of the government that appointed it? That is the kind of board