

On section 38—Regulations.

Paragraphs (a) to (c) inclusive agreed to.

On paragraph (d)—Acting umpires.

Mr. MACKENZIE (Vancouver): We had some discussion this afternoon in regard to deputy umpires. Are the acting umpires not in the same category?

Mr. BENNETT: I promised the hon. member for West Middlesex that I would look into this matter and satisfy myself as to what the deputy umpires were. The provision in the English act is the same as ours, but it might be desirable to strike them out altogether.

Paragraph (d) agreed to.

Paragraphs (e) to (h) inclusive agreed to.

On paragraph (i)—Penalties.

Mr. NEILL: I protest against the provision giving this commission power, as I said in speaking on the second reading, to start a little criminal code of their own. It is bad enough to give them power to make regulations which may have all the force of separate and distinct laws, but when we allow these people to prescribe penalties and terms of imprisonment, we are going too far. Surely it would be possible to limit them at least to financial penalties and, in default of payment, to terms of imprisonment. I had occasion not long ago to see some of the regulations proposed by one of these marketing boards; I forget the exact nature, but the power they gave to some official to send people to gaol was most extraordinary and unwarranted. People unfamiliar with making laws and who are not even lawyers are not qualified to have unlimited powers to make penalties for the violation of a regulation. If we could see the regulations, the matter would be different, but some of these regulations are very vague and a man might be sent to gaol for a violation of something that no reasonable person would expect him to live up to. I suggest to the Prime Minister that we should at least limit this to fines and, in default of payment, to a term of imprisonment. Under the wording of this provision it would appear that the commission could create an offence of their own and impose imprisonment for it.

Mr. BENNETT: The courts have settled the principle that no regulation is valid that is not based upon some statutory enactment. The power to make a regulation must be conferred by some statute in order that the regulation may be valid. If in the exercise of its power the commission passes regula-

tions any one of which is in excess of the power conferred by the statute, such regulation falls and is not valid. Therefore it is desirable that there should be in the commission some power to deter those who contemplate violation of the regulations which are such an essential part of the legislation. The suggestion made this afternoon by the hon. member for West Middlesex I desire to consider as to whether there should be inserted in the statute itself a provision for regulations respecting the matters to which he called attention, and so this paragraph and paragraph (j) may stand.

Mr. MACKENZIE (Vancouver): In regard to a question I asked the Prime Minister a day or two ago, there is a provision for presenting reports to parliament within a specified period. Is there any provision for presenting to parliament all the regulations made by the commission?

Mr. BENNETT: They have to be approved by the governor in council, as the hon. gentleman will remember, and published in the Gazette.

Mr. MACKENZIE (Vancouver): Every member would like to be acquainted with the tenor of the regulations made by the commission.

Mr. BENNETT: I appreciate what the hon. member says as to laying them on the table.

Paragraphs (i) and (j) stand.

(Section 38, now section 37) with the exception of paragraphs (i) and (j), agreed to.

On section 39.

—Cooperation in matters of health and health insurance.

Mr. MITCHELL: To what extent does this contemplate the provision of a health insurance scheme?

Mr. BENNETT: This clause and the succeeding one will indicate the extent to which it is intended that the commission shall obtain such information as will enable legislation, if thought desirable by parliament at another time, to be submitted for the purposes the hon. gentleman mentions. This does not in itself of course contemplate a scheme; it is only for the purpose of laying the foundations of one. The reason for that is this: it is well known that an earnest effort is being made to coordinate the services of the provinces and the dominion with respect to health matters to the extent that that may be possible, and the minister contemplates bringing together the ministers of health of the