

Corporations and Labour Unions

because it will affect a large segment of industry and of labour. The very fact that the government is going to see what heretofore has been of a confidential character is fresh and new. We believe, therefore, that the bill before this committee should be as easily understood by business folk and labour folk as it is possible to make it.

Many of the submissions that have been put forward by this group have not been put forward by us alone. We have sought assistance of people who have been teaching business administration and who have been specialists in the labour movement, people who are interested in good legislation in this field. With respect to the minister, therefore, who has certainly shown many courtesies to us on this side in the past by believing that we have been trying to improve rather than impede legislation, may I respectfully suggest an amendment. I move:

To strike out lines 35 and 36 and "(b) generally," in line 37.

The clause would then read:

The governor in council may make regulations for carrying into effect the purposes and provisions of this act.

Now, sir, I feel this provision is a good deal simpler. If it represents any real difference from what is now in the legislation, I would be grateful if the Minister of Justice would indicate wherein it differs.

Mr. Fulton: I have always felt a little bit sensitive on this question of regulations and the power to make regulations, both when I was on that side of the house and since I have been on this side of the house. I have tried conscientiously to carry that sensitivity into effect over here by looking carefully at provisions in statutes that we submit to the house which give the governor in council the power to make regulations. I say quite genuinely, therefore, that I appreciate the purpose the hon. member for Leeds has in mind, particularly as he puts it this afternoon.

I must say I have some reservations about what he proposes. On the basis of a quick look at his specific amendment, I think it could perhaps be accepted without too much risk. The reservation I have goes to the question of deleting subparagraph (a) of this clause 17 which says:

The governor in council may make regulations (a) prescribing anything that by this act may be prescribed by the regulations;

You will note, Mr. Chairman, that the provision at the top of page 4, for instance, where it is dealing with the form of the annual financial statement says it shall be "in such form and containing such particulars relating to the financial position of the corporation as may be prescribed by the regulations."

[Mr. Matheson.]

What I want to avoid is the risk that in the clause covering the regulation making powers we should not take sufficient power to pass regulations prescribing certain things because, if we cannot prescribe the things that are to be prescribed, then there will be serious gaps in the effectiveness of the law. However I am advised that there is an argument which can be made that if you take a general power to make regulations to carry into effect the purposes and the provisions of the act, then you could support an argument that you have power to make regulations prescribing certain things that are to be done.

You see, Mr. Chairman, it is my understanding that regulation making powers are interpreted strictly, and the governor in council cannot take power or cannot do by regulation those things which are beyond the purview of the act. If the bill uses certain specific words with respect to those things to be done by regulation and then the regulation-making powers do not repeat those specific words, the question arises whether you can rely on a general power to give this necessary authority. But it is a technical argument and, as I said previously, the bill in a sense is experimental.

I would be prepared therefore, on balance, to rest content with the power in effect given in subparagraph (b), and to rely upon that for the authority to make regulations prescribing all the things which the bill says must be prescribed by regulation. If we find that it is challenged and we have deprived ourselves of that power, then of course we could amend the act. We might be challenged and then it would be a question of finding out which way the decision would fall. Should it fall against us then we would have to introduce an amendment.

Mr. Pickersgill: Before the matter is determined I wish to say that we all appreciate the spirit in which the minister has accepted the proposed amendment of my hon. friend from Leeds, but I would point out that if you leave out the words "the purposes and", then it would read "for carrying into effect the provisions of this act." The particular instance which the minister gave was precisely to carry out one of the provisions of the act, and it seems to me that unless there is some purpose in paragraph (a), which has not been exposed to us, then what the hon. member for Leeds has suggested would meet the purpose, as the minister indicated. We very much appreciate the position taken by the minister in this matter.

Mr. Fulton: I would be prepared to accept the amendment, Mr. Chairman.

Mr. Howard: It is clear, whether the amendment is accepted or not, that the minister