

opposed to it. If you are paying a man to do a job he ought to do it; his remuneration should not depend upon his success in getting convictions.

Mr. BOTHWELL: Just a few days ago the papers carried a report of a case in British Columbia in which the magistrate commented on this question of moiety. It seems that some plainclothes men or stool pigeons or whatever they are called planted or sold certain liquor to perhaps a restaurant keeper, and then gave information to the police that this particular storekeeper or whatever he was had this liquor in his possession. A policeman found it there and the man was charged with having spirits illegally on his premises. According to the statement of the magistrate in that case this was done simply for the purpose of getting a share of the fine, getting this moiety. I believe the section which permits things of that kind being done should be seriously considered before it is re-enacted.

Mr. MATTHEWS: The power given under this section is discretionary. I shall be glad to let it stand, and give it further consideration.

Section stands.

Section 125 agreed to.

On section 126—Regulations.

Mr. MACKENZIE KING: There is an important departure here, if I read this section aright. It says that:

The minister may make such regulations as to him seem necessary or expedient for giving effect to any of the provisions of this act.

Formerly, I understand, the governor in council made the regulations. Apparently the power is now being given to the minister. I know that a time does come when some power has to be delegated, but it seems to me that this matter of the delegation of power to a minister should be considered very carefully, because the public generally will be affected by regulations which the minister makes. Other departments of the government will also be interested in and affected by them. It seems to me that it is a mistake to take this power of making regulations out of the hands of the governor in council and give it solely to the minister. I wish the minister would tell us why he has found it necessary to seek to change the act in that particular.

Mr. MATTHEWS: Section 126 corresponds to section 135 of the existing act. It has been rewritten to confer upon the minister the general power of making administrative regu-

[Mr. C. A. Stewart.]

lations. The existing section confers that power upon the governor in council, in addition to the powers proposed to be conferred upon the minister by the bill to declare the true intent of any of the provisions of this act. This bill omits this, and also omits as redundant, in view of the general power to make regulations, the specific power to make regulations for warehousing and so on. Throughout the bill the draftsmen have proceeded on the basis that administrative regulations can be made departmentally, that is by the minister, more conveniently than by the governor in council. Such regulations must of course, be confined strictly to matters of administration—

Mr. HANBURY: It does not say so.

Mr. MATTHEWS: —the powers of the minister to regulate being confined to giving effect to the provisions of the act.

Mr. MACKENZIE KING: What the minister says only confirms what I said as to the intent of the change; it is to take away from the governor in council and give to the minister himself the power of making the regulations that may be necessary under this act. From confederation up to the present time that is a power which has rested with the governor in council and has not been delegated solely to the minister. In connection with section 126 one must, I think, read section 128:

All regulations made under this act shall have the force of law, and the person guilty of any violation of any regulation shall be subject to such penalty or forfeiture as by this act is provided.

In other words, under this compilation, which is in part a revision of and in part an addition to existing acts, we are being asked to give to a single minister of the crown the power to make regulations which involve penalties in the nature of fine and imprisonment. That is the very thing that we have been protesting against so strongly all through this session, with respect to the marketing bill and other legislation, that power is being taken first of all from parliament and given to the governor in council and then where formerly entrusted to the governor in council is taken from the governor in council and entrusted to a minister.

I have made reference at different times to a report of the royal commission appointed in Great Britain, about five years ago I think, to consider this whole question of the delegation of power to ministers of the crown. That commission went very fully into the kind