

**Hon. Mr. Martin:** What is that section in the Fisheries Act to which Senator Carter in his interesting speech draws attention?

**Hon. Mr. Carter:** I will refer to it in a moment.

Bill S-14, an act respecting the sale and importation of certain radiation emitting devices, and Bill S-20, an act respecting the labelling, sale, importation and advertising of consumer textile articles, are cases in point, and there are several others.

Section 64 belongs to the dark ages. In my opinion it has no place on the statute books of an enlightened and civilized nation. This section permits regulations which are exercised in the name of the minister by quite minor officials. It permits them to confiscate the property of citizens to the extent that they can be deprived completely of the means of earning a livelihood. The whole Fisheries Act, in my opinion, is antiquated and confers delegated powers far in excess of what is necessary under present day circumstances.

Another statute that provides extreme arbitrary powers and sanctions undemocratic procedures is the Unemployment Insurance Act and the rules and regulations made under that act. As a member of the Commons, while trying to assist my constituents with their problems under this act, I was astounded to discover that section 65(1) of the Unemployment Insurance Act gave the commission powers to impose the equivalent of a fine upon a claimant for benefits. The official in question was made judge, jury and lord high executioner.

Section 43(1) of the Unemployment Insurance Act states:

The commission may, with the approval of the Governor-in-Council make regulations—

Then follows subparagraph (h) which reads:

For imposing pecuniary penalties on employers who fail to make returns or pay contributions or keep records as required under this Act and for remitting such penalties.

Under this authority the commission has formulated Rule 136, which reads as follows:

(1) Where in the opinion of an authorized officer of the commission an employer has not complied with the provisions of the act and these regulations relating to

(a) the times of payment of contributions;

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(b) the making of returns of information; or

(c) the keeping of records;

the officer may impose a pecuniary penalty on the employer in an amount or at a rate set by the Commission.

(2) an authorized officer of the Commission may remit in whole or in part any pecuniary penalty imposed on an employer under subsection (1).

I call to your attention, honourable senators, that this is a power that was delegated to the commission by Parliament and re-delegated by the commission to an authorized officer of the commission—

**Hon. Mr. Flynn:** Can you indicate when that was? What was the date that these regulations were adopted? I can hardly believe that it would be under a Liberal administration.

**Hon. Mr. Carter:** I do not know. I do not know what the administration would have to do with making regulations. These regulations were made by the commission.

**Hon. Mr. Flynn:** Who knows?

**Hon. Mr. Martin:** You should not be diverted by a totally irrelevant question, Senator Carter.

**Hon. Mr. Croll:** You diverted him first.

**Hon. Mr. Flynn:** You should be diverted only by the irrelevant questions of the Leader of the Government.

**Some Hon. Senators:** Oh, oh!

**Hon. Mr. Carter:** I call to your attention that this is a power that was delegated to the Commission by Parliament and re-delegated by the commission to an authorized officer of the commission without the approval of the Governor-in-Council. This is a delegated power twice removed from Parliament.

Honourable senators, prior to Newfoundland's becoming a part of Canada, I lived in a province that for 15 years was governed by a commission—a form of benevolent dictatorship. In the light of these experiences which I have just mentioned as examples because the actual cases were numerous, I think you can understand why there were question marks in my mind about the state of democracy in Canada.

No one in his right mind will deny the need for delegated powers or subordinate legislation, to use the term preferred by Mr. Justice