

that the authorities introduced a bill of this nature to bring about some uniform system of publishing governmental regulations.

When I took office in the government of the province of Ontario I found that there were regulations scattered throughout the various departments, and no one seemed to know where they were to be found. In an effort to bring some order out of chaos, I had an official undertake to compile a book containing all departmental orders. After working on the job for more than a year he reported to me that such a task was impossible. He pointed out that some of the departments themselves were not familiar with orders which affected them, and that no department had complete knowledge of the regulations to which it was subject. The matter was dropped and, so far as I know, no such book has ever been published in the province of Ontario.

Conditions in this respect were bad enough in Ontario, but in Ottawa they are much worse. I had a splendid illustration of this recently when I took part in an action in which the Post Office Department sought to make a postmaster responsible for the dishonesty of a member of his staff. The authority pleaded was found in a publication of the post office entitled "Useful Information for Postmasters". It contained a casual statement to the effect that postmasters would be held responsible for the dishonesty of their employees. It was not the usual common law responsibility of an employer for the action of his employee, but rather it created some special extra-mural responsibility. This book was said to have been published under the authority of the Postmaster General—it was not even called "Regulations", much less "Orders in Council"—but on the strength of that book the department tried to attach responsibility to one of its postmasters. The case was pleaded, and judgment was reserved. I am sure that his lordship is now struggling seriously and intelligently with this problem.

My criticism of the bill before us is that it does not go far enough. In effect, it says that no regulation shall be valid against an accused person unless it has been filed in a specific way. So far as it goes that is all right, but regulations may change the civil rights of individuals, as happened in the illustration to which I have referred, in which a chance piece of literature was laid before a judge as being valid in a charge against the individual.

I do not know why the government chose to stop where it did in preparing this bill. It may be desirable to start the system in this way, and later to make it complete. My thought is that we should now amend the bill

to provide that no regulation or order shall be valid and effective for any purpose unless it is properly filed.

In the case of the postmaster to which I referred, I asked the question: If the postmaster told his secretary to close the door, would that be an order enforceable in law under the Post Office Act? I am not sure that it would not; certainly it would be enforceable if the postmaster wrote the order on a slip of paper and handed it to his secretary.

I believe that we should insist upon regularity in these matters, and nothing should have the force of law until it goes through a recognized procedure. The bill proposes a proper procedure, that of filing in a public place. Failure to file would render the regulation merely a pious hope or a wishful admonition. Further, there should be a lapse of time after the filing of regulations before they become effective, as in the case of Acts passed by parliament.

The difficulties which will be encountered in the application of this measure will be considerable, but not insurmountable. I understand that it is intended that regulations made in the past will now have to be filed. Could the honourable deputy leader enlighten me on that point?

**Hon. Mr. Hugessen:** I do not think the bill applies to past orders, but I will have a few words to say on that point when my friend is through speaking.

**Hon. Mr. Roebuck:** I think it should apply to orders and regulations already made, and to administrative orders as well as those which regulate civil rights and rights in criminal matters. I believe that the department which prepared this bill should revise it and make it complete.

**Hon. Mr. Hugessen:** Honourable senators, I was much interested in my honourable friend's remarks about his experience when he was in the Government of Ontario. As to the question of the statutory effect of orders in council which have been passed up to date, I understand that under the authority of an order in council passed on July 20 last, a consolidation of all statutory orders and regulations in effect as of December 31 last is in the course of preparation, and will be published in due course. In fact, it is now in the hands of the printers. For the first time in Canada there will exist an official compilation of all so-called subsidiary legislation. This consolidation will be, therefore, in a certain sense, a supplement to the statutes of Canada. Perhaps that will answer my honourable friend's inquiry as to why this bill