

## THE SENATE

Wednesday, February 9, 1949

The Senate met at 3 p.m., the Acting Speaker (Hon. A. B. Copp) in the Chair.

Prayers and routine proceedings.

### NATIONAL RAILWAYS AUDITORS BILL

#### THIRD READING

**Hon. Mr. Robertson** moved the third reading of Bill E, an Act respecting the appointment of auditors for National Railways.

The motion was agreed to, and the bill was read the third time and passed.

### PENSION FUND SOCIETIES BILL

#### SECOND READING POSTPONED

On the Order:

Second reading of Bill D, an Act to amend the Pension Fund Societies Act.

**Hon. Mr. Robertson:** Honourable senators, I had asked the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) to explain this bill, but through no fault of his own he has been unable to secure some of the information which he requires. I would therefore ask that the order be allowed to stand until tomorrow.

The order stands.

### GAME EXPORT BILL

#### SECOND READING

**Hon. Mr. Robertson** moved the second reading of Bill F, an Act to amend the Game Export Act.

He said: Honourable senators, I have asked the honourable member from Northumberland to explain this bill.

**Hon. G. P. Burchill:** Honourable senators, the purpose of this bill is simply to revise and clarify existing legislation. When the Game Export Act of 1941 was drafted, it contained a section providing for the appointment of dominion game officers to enforce the Act. Parliament deleted that section, and it now becomes necessary to pass legislation repealing other sections which refer to those game officers, who were never appointed.

Section 2, paragraph (c) of the bill refers to dominion game officers. Section 5 of the Act also refers to those officers, and describes their powers. The present subsection (1) of section 5 of the Act, which prescribes the form of oath to be taken by game officers, and subsection (2) of the same section, which refers to the powers of game officers, are both unnecessary and confusing. The enforcement of the Act is in the hands of the provincial

authorities—the provincial game officers and the provincial police—and of customs officers and the Royal Canadian Mounted Police. For the reasons I have mentioned, and at the request of the 1948 Ottawa conference of the dominion and provincial wild life officials, the government is asking for the repeal of these sections.

**Hon. Mr. Leger:** If the federal parliament has no jurisdiction to appoint game wardens, has it jurisdiction to declare that so and so shall be a game warden? It seems to me it goes without saying that, if the dominion authorities cannot appoint, they cannot, in conformity with the Act, declare that somebody shall be a game warden.

**Hon. Mr. Moraud:** Then why debate the point?

**Hon. Mr. Leger:** I do not know why the bill is before us. The Dominion Government is without jurisdiction in the matter.

**Hon. Mr. Burchill:** Section 6 of the Act makes provision for the officers who shall enforce it. All we are asking parliament to do today is to repeal the sections which have reference to dominion game officers, who were never appointed.

**Hon. Mr. Leger:** Yes, but paragraph (c) of section 2 of the bill states:

"Game officer" means a person declared by this Act to be *ex officio* a game officer.

According to the explanatory note:

The proposed amendment makes it clear that there is no authority to appoint dominion game officers under this Act.

I repeat that I cannot see how, if there is no authority to appoint game officers, there can be any right to declare that so and so shall be a game officer.

**Hon. Mr. Hayden:** The reference is to dominion game officers.

**Hon. Mr. Leger:** To declare that so and so is a game warden *ex officio* is equivalent to appointing him.

**Hon. Mr. Howden:** The mounted police are game officers *ex officio*.

**Hon. Mr. Leger:** Those are my views.

The motion was agreed to, and the bill was read the second time.

#### REFERRED TO COMMITTEE

**Hon. Mr. Robertson** moved that the bill be referred to the Standing Committee on Natural Resources.

He said: The point raised by the honourable senator from L'Acadie (Hon. Mr. Leger) is beyond the scope of my knowledge, since