

*Plebiscite Act*

act as scrutineers. That is just a suggestion I throw out, but it is something to which I have given some thought. In an ordinary party election, of course, we all have our own men on whom we rely to see that the law is carried out. Here it is not going to be the duty of any particular person to see that scrutineers are appointed, and I am afraid that in many rural polls no one will be appointed. Certainly they are not going to be paid under this schedule, and they will not spend the whole day there of their own accord. Would the minister give consideration to the appointment of qualified voters at a given poll by the deputy returning officer, in the event that no one is appointed to represent the affirmatives or the negatives? I point out to him, of course, that this may involve a demand for payment. I do not like the idea of paying scrutineers. It ought not to be done; it is a duty that men owe their party, but I am afraid in some cases it is not so considered. However, I just throw that out as a suggestion.

Mr. McLARTY: I quite agree with the leader of the opposition that the method suggested is by no means ideal, and subject to the qualification he offers in regard to the matter of payment I think his suggestion is one to which we can give very serious consideration when the regulations are being drawn up.

Mr. CHURCH: Section 9 gives the governor in council power to make rules and regulations under this statute which will have the force and effect of law. That has been condemned all along the line in Lord Hewart's work, "The New Despotism". Here we have a statute fixing dates, establishing methods, giving the text of the question, stating those who are excepted, providing for the votes of soldiers and so on, and now we are going to hem in this statute with a provision which will permit the governor in council to pass regulations which will have the force of law, under which fines, penalties or imprisonment may be imposed, outside the whole scope of the measure. Do you see where we are heading. Mr. Chairman? We have about four hundred different controllers and boards operating to-day under the War Measures Act. Each of these boards can fine anyone up to \$5,000 or impose a year's imprisonment for the breach of a regulation passed by order in council. That is what we have in Canada to-day, government by the bureaucrats. I say we must beware of them, because this is a principle which never should be adopted by any British legislature. Why, the governor in council can change the whole intent of the statute. It can pass rules and regulations,

[Mr. R. B. Hanson.]

having the force of law, varying everything contained in the first eight sections of this bill, and I wish to protest against it. Under this bureaucratic government these various controllers and boards can impose fines and imprisonment without this high court of parliament knowing anything about it. I do not see the need for this provision. Those who may vote are set out clearly; the time of the vote, the appointment of officers and all that sort of thing are already settled, under the elections act. I think it is all wrong.

Mr. McGREGOR: Will the overseas vote be credited to provinces or ridings, or what has the government in mind in that connection?

Mr. McLARTY: It will be dealt with as suggested the other day, as one vote.

Mr. MacINNIS: Are all the regulations to be passed under this bill included in these two volumes I have in my hand?

Mr. McLARTY: I should think they would be complete. Certainly they are as complete as they can be, bearing in mind the suggestions which have been made to-night, which might lead to some amendment of them.

Mr. MacINNIS: I think that is important, because it has been a very well-known policy of the Liberal party that parliament should decide in all these matters. Here we have a bill composed of ten sections, which are not very long. Then, after the bill is passed by the house, we have a volume of regulations covering one hundred pages, together with a second volume of some thirty pages, and section 9 of this bill states that "the governor in council may, for the purpose of this act, make such regulations as are expedient for the effectual taking of the plebiscite," and so on. Then subsection 3 of section 9 provides:

Any regulations made under this act shall have the same force and effect as if enacted in this act.

Usually there is a phrase included in sections of this kind providing that such regulations as are made must not be inconsistent with the act itself, but there is no such limiting clause here. The minister has not been listening to me; he has been in a very earnest conversation with the two hon. gentlemen sitting in front of him. That may be quite interesting, but for the moment I think the sections of this bill are more important. I have been pointing out that there is no limit on the regulations which