

Industrial Disputes Act

the parties together in the unfortunate dispute we have had. It was not the first time the question had been raised, the minister, I do think, might have refrained from granting the board in connection with this particular utility. It had been the practice for some time in cases of these disputes for a board not to be granted, unless with the consent of the municipality and the public utility concerned. In this particular dispute the board was granted and the minister declared that it was a matter of policy; the board was allowed against the protest of the public utility commission.

I have already suggested the reference of this bill to a special committee. Last session this very question was taken up by a special committee which considered industrial relations and very good work was done. The committee met only four or five times but the minister was present with officials from his department and the Justice department. And with reference to the act of 1907 the hon. member for Cape Breton South and Richmond (Mr. Carroll), I think, referred to the fact that several opinions had been given by the Department of Justice on the act some one way and others of a different character, with regard to the division of activities between the three legislative bodies in Canada. The committee last year went into this matter thoroughly, exploring not only the Dominion field but as well the entire scope of the provinces and the municipalities; and the evidence given by some of the Minister of Justice's own officials to that committee went to show that such legislation as is now proposed in paragraph (f) on page 2 of the present bill must create trouble. It was lucky there was a privy council to say just where the line should be drawn. In my opinion, if the Privy Council ever performed a good day's work for the people of any overseas dominion it did so for the people of Canada when it gave its decision with reference to this particular act, because the decision went a great deal further than the act and laid down the scope of legislative usefulness not only of this parliament but of all the legislatures and municipalities of Canada. This decision is a very good one and has carefully mapped out the three spheres of activity. Paragraph (f), as I have said, provides that provincial works wholly within the province may be declared to be for the general advantage of Canada, and this was done recently in the case of the lake of the Woods matter. It cannot be defended and it would be unfortunate for this parliament to go beyond its own proper limits and to interfere with the public utilities of

[Mr. Church.]

the provinces and municipalities. Why, if this provision were enacted parliament might, although it seems extravagant, even declare some candy store on Sparks street to be for the general advantage of Canada, or it might do the same in regard to Ford's factory in Windsor, on the ground that it had some connection with the automobile industry of the Dominion and touched the question of transportation. I should like to see this question settled for all time. Agriculture is a matter of concurrent jurisdiction for the Dominion and the provinces, but if this bill becomes law we cannot say how far it may affect that industry and provincial jurisdiction, and even the agricultural industry might be declared to be an undertaking for the general advantage of Canada.

I think the minister would be doing a good day's work for capital and labour if he would consent to the appointment of a small committee to study this bill so that we may have a better understanding of what its enactment will entail. For instance, it contains a definition of what is a national emergency. Well, if there was ever an opportunity for the Labour department to do something under the Industrial Disputes Investigation Act it is presented to them now in the labour troubles in the coal district of Nova Scotia; there surely is a national emergency requiring the immediate and direct attention of the minister and his department. But in view of the declaration by Lord Haldane of what constitutes a national emergency, we would be treading on pretty dangerous ground if we passed this sub-clause 3 of subsection 1 of section 2 (a) as it is. A dispute between private individuals or between a public utility corporation and its employees is not a national emergency, and yet by this legislation the Dominion parliament seeks to take control of all the works and on the plea that a labour dispute constitutes a national emergency undertakings of the provinces and municipalities. When the act was passed in 1907 there were no public utilities in the sense that we have them to-day; for instance, the province of Ontario has made a total investment of \$241,000,000 in its hydro electric undertaking. Had not the decision of the Privy Council been what it is, the legislatures of the provinces would have been reduced to the status of county councils. I should like to see the bill referred to a committee and so amended that it will be placed beyond doubt that this parliament has no control over any provincial or municipal undertaking.

Mr. MACLEAN (York): Mr. Chairman, I do not agree with what has been said by the