

Mr. HANSON (York-Sunbury): It is an important matter.

Mr. DIEFENBAKER: After all, the question as to what are the essentials and what are not the essentials is one for each individual member to decide for himself. When the hon. member says that "may" is obligatory or mandatory, when in regulations the words "may" and "shall" are used, that, of course, is a matter for the courts. But in this case I repeat the argument I advanced this afternoon. By setting up these regulations and having them passed through parliament, it means in effect that members of the house have an opportunity of making suggestions as to what any regulation should be. If, however, any person is discriminated against, that person has no recourse to the courts. Suppose the minister says that he will not make an award—and that happened on occasion under the Prairie Farm Assistance Act, because regulations were made that were contrary to the purport of the act.

Mr. GARDINER: No such regulations were made.

Mr. DIEFENBAKER: I will mention just one.

Mr. GARDINER: May I be permitted to make this explanation, and I think the hon. member will agree. Two members—I am not sure whether it was the hon. member for Lake Centre and the leader of the opposition—have already brought to the attention of the committee certain matters in connection with the auditor's report which they do not consider satisfactory. They have said it is not a satisfactory report. All I wish to say at this stage is that at least half of the statements quoted the other day from the auditor's report are not in accordance with the legislation itself, and on some future occasion when we are discussing that matter on the estimates, with regard to the Prairie Farm Assistance Act and the Prairie Farm Rehabilitation Act, I shall be pleased to deal with the question. I hope, however, I shall not have to discuss it to-night in connection with these regulations. There is nothing in the regulations under the Prairie Farm Assistance Act that is not in absolute accordance with the act itself, and I can substantiate that statement at the proper time. This, however, is not the time.

Mr. DIEFENBAKER: I am using that as an argument. If the minister says that the regulations that were passed were in accordance with the statute, I wish to bring to his attention the fact that the legislature of Saskatchewan within the last ten days has passed a

[Mr. Graham.]

resolution to the effect that the regulations passed under that act were not in accordance with the statute.

Mr. GARDINER: That does not make it so.

Mr. DIEFENBAKER: No; but, after all, that is a capable body. The point I am making has nothing to do with the auditor general's report, and when the minister suggests that I have ever referred to the auditor general's report in connection with the Prairie Farm Assistance Act, he is entirely in error.

Mr. GARDINER: I am sorry; it was the hon. member for Souris.

Mr. HANSON (York-Sunbury): And the hon. member for Dufferin-Simcoe.

Mr. DIEFENBAKER: In Saskatchewan, tenant farmers were denied the right to secure any allowance under the Prairie Farm Assistance Act under verbal leases made prior to May 1, under which leases the farmers were in actual occupation, the written lease being dated after May 1. This was quite contrary to the terms of the statute which provides that tenancies commencing on May 1 rendered the tenant a tenant within the ambit of the act.

What I am coming at is this: the regulations to-day before this committee are subject to change without notice. They are too elastic. The argument was advanced by the hon. member for Swift Current that they should be elastic. In this particular case they cannot be elastic, as I see it, because, if so, no statute would enable any person able to read it to know whether or not he is qualified. These regulations are subject to change without notice. The whole matter cannot be submitted to the courts. A person who is discriminated against has no rights. Would the minister be willing to add to these regulations a further regulation that any person feeling that he has been discriminated against shall have the right of recourse to the courts, in order to preserve to the individual the right to produce evidence before the court as to his qualification?

As the matter stands at present, all the minister has to do, all those who are under his control have to do, is to say that a person is not entitled to qualify, and that ends it, because under the law no person has any recourse to the courts; the minister is in a position to determine that person's qualification under any particular regulation. Will the minister consider adding a further clause whereby the right to apply for a writ of mandamus will be guaranteed to the subject, so that the people who are discriminated against, either intentionally or innocently, may