

*Employment Commission*

The CHAIRMAN Mr. Johnston, (Lake Centre): There is an amendment moved by Mr. Gardiner:

That the following addition to section 6 be made to be known as paragraph (k):

In order to facilitate any investigation it desires to make, have and exercise the powers of a commissioner appointed under the Inquiries Act, revised statutes, chapter 99.

Mr. BENNETT: I do hope this amendment will not be proceeded with for reasons I shall give very briefly. The Inquiries Act clothes a commissioner appointed under it with certain powers judicial in character, and it is intended by that act that commissions of that kind shall be limited as indicated by part III. Part I of the act covers public inquiries, section 2 reading:

The governor in council may, whenever he deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof.

Part II covers departmental investigation and part III, which is general, deals with the question of appointments and whether charges are made. It will be observed that by the very nature and provisions of the act, the commissioners shall have the same power to enforce the attendance of witnesses as is vested in any court of record. That is, the act clothes the commissioners with judicial power. After having looked into this matter with a little care, I have strong feelings in connection with this amendment. I suggest to the minister and to the Prime Minister that this is going much further than I have ever seen such a provision go except when dealing with a body that has judicial functions. For instance, the tariff board is a court of record and has the powers of a court, and the same is true of the railway commission. To take this commission, which is not a body corporate, which is not a court, and to say that it shall have the powers of a commission, is going far beyond anything that I have been able to ascertain. I do not desire to do anything more than just state my objections and to give shortly my reason for objecting. I am inclined to think the Prime Minister will find it to be more embarrassing than otherwise. If this commission endeavours to assert these powers, another question arises. It will be remembered that there are in the courts of the country two judgments, as to the powers of the dominion to issue a commission to deal with other than purely federal matters. The courts have decided that we cannot do it.

Many of the matters into which this commission is to inquire are solely and wholly within provincial jurisdiction. If they have

[Mr. Mackenzie King.]

the powers of a commission under a federal statute and undertake to investigate purely provincial matters, then I am quite certain they will find themselves in litigation, as was the case in the two instances to which I have referred, without taking up further time of the committee to deal with the judgments. I shall conclude by saying that it seems to me that this is conferring upon a political body, which is not an entity under the law, which is neither a court nor a body corporate, privileges and jurisdiction which have not heretofore been conferred upon any body other than a court or a body exercising judicial functions. There may be instances in which this has been done, but I have not been able to ascertain them.

Mr. CAHAN: I should like to suggest that ancillary to the work of this commission, it is within the authority of the governor in council at any time to appoint a commission to investigate and take evidence and report with respect to any matter within the jurisdiction of parliament. I suggest that without this amending clause, which may lead to difficulty, the government will not be precluded from appointing at any time one or more of the commissioners—

Mr. BENNETT: Or all of them.

Mr. CAHAN: —or all of them as a commission for the purpose of making such judicial inquiry and investigation. Therefore, this amendment seems to me to be quite unnecessary.

Mr. STEWART: In addition to the objections that have been made to this amendment, I desire to point out for the consideration of the Prime Minister that usually when a commission of inquiry is appointed to investigate a matter, it is a specific matter provided by order in council or in some other way. But here there is a wide open, blanket commission to investigate practically anything and everything without limit within the ambit of this whole bill, which covers municipal, provincial and dominion activities as well as the activities of corporations. It seems to me that this is really going altogether too far. It should be left to be determined by the governor in council who could issue a specific commission of inquiry if circumstances seemed to warrant this.

Mr. MACKENZIE KING: May I say to my hon. friends it seems to me that this is just a question of balancing the relative advantages of alternatives. There is an advantage in having in the bill the specific