

*Pension Act*

appeals from it to the courts. If it is a quasi-judicial body, then it should be as independent as possible, and the salaries of the commissioners should be fixed by parliament and not by order in council. It is either one or the other. It would appear from what we have had intimated to us by members of the government that it is a quasi-judicial body. That seems the whole tenor of the intention of the act all the way through, as the hon. member for Vancouver-Quadra has already pointed out. If it is a quasi-judicial body, I do not think there is a member in this house who seriously would get up in his place and say that the body should not be as independent of the government as possible, since that is the whole purpose of quasi-judicial bodies, to be independent of the government.

Explanations have been offered by members on the government side of the house as to why this is being done. It is said that it is more expedient; that it is quicker; that parliament sits too long now, and that rather than having to introduce a bill to change the salaries of the pension commissioners it could be done much easier by order in council. I have never heard any argument presented before, on behalf of any kind of democratic government, that used expediency as an excuse. There were certain states in the world that used expediency as an excuse for their existence, but fortunately several of them have passed out of the picture.

Let us look at this question of expediency. How often would the government have to introduce a bill to change the salaries of the pension commission? That is one of the explanations that has been offered. Would it have to be done every year, every session of parliament, or once every parliament?

**Mr. Lennard:** Once every ten years.

**Mr. Nesbitt:** Perhaps once every ten years but not more often. If the raising or the lowering of the salaries of the pension commissioners was justified, it is quite likely that the bill would go through without any trouble. If it was not justified there would be a lot of debate about it. If there was some objection to lowering or raising the salaries of the commissioners there should be a debate about it. That is what I always understood we were sent down here for. If there is some objection to anything like that, it should be debated.

There are one or two other remarks I should like to make with regard to the matter, but it was adequately covered by the hon. member for Vancouver-Quadra and the hon. member for Cape Breton South. However, I should like to mention the fact that the Canadian Legion, which represents by

far the greatest number of veterans in Canada and certainly could not be described as a splinter group, went into this very carefully in their brief, and they objected strenuously to it.

The other thing is whether the cabinet—and I do not think anybody actually believes that the cabinet would—would interfere with the pension commission. I do not think that is fair criticism. But whether they would interfere or not, the fact that the pension commission might think that they would might affect the commission's actions. If you think that your independence is going to be threatened you might behave in a little different way from what you ordinarily would. Of course there is the other matter, too; that it is possible by order in council to raise or lower the salaries of the pension commissioners without the introduction of a bill, and parliament would not have to pass on it. It has been suggested that that might be the reason this change is being made in the act.

The last thing I should like to mention is this. There is another answer given by government members as to why we should not argue this matter. They say it is only a trivial change in the act, and since it is trivial, why should we waste the time of the committee or the house arguing about it? If it is such a trivial thing, after all the objections that have been put forward by the Canadian Legion and by all the opposition and by one member on the government side of the house, why is the government hanging on to this amendment to the act with such bulldog tenacity. There must be some reason; otherwise they would save all the time that is being taken by deleting section 2. There must be some reason for hanging on and I think hon. members are entitled to an explanation of what it is from the minister.

**Mr. Dinsdale:** I opposed any change in section 2 most strenuously in the committee, and I want to take this opportunity this evening to repeat the opposition to the change here in the committee of the whole house. I can state my viewpoint quite briefly so as not to labour the point. I think the proposed change in section 2 violates a fundamental principle regarding the sovereignty of parliament. It is because of that that I opposed it in committee and repeat that opposition at this time.

During the first half of the present century there has been a tendency for the consideration of governmental business to shift from the floor of parliament to the offices of the executive arm of government. No matter how you look at this change, the only answer that comes out is that it is just another subtle erosion in the same direction. It is removing