

Mr. MICHAUD: I know what you mean and I agree with most of it. You would advance this right of a person to an income. My view is it should be qualified so that every citizen has a right to a livelihood under reasonable circumstances.

Mr. HANSELL: That is all right.

The CHAIRMAN: Now, it is nearly one o'clock and if there are any further questions of Mr. Varcoe we will proceed, but if there are none I suggest that we adjourn.

Hon. Mr. LEGER: I move we adjourn.

The CHAIRMAN: Shall we fix the date of the next meeting as next Friday? I think we can reasonably expect there will be one more meeting for the consideration of the report. It may require more than one meeting, I do not know.

Mr. HERRIDGE: The date of the meeting could be left to the discretion of the chair.

The CHAIRMAN: All right, the meeting is adjourned to the call of the chair.

The committee adjourned at 12.50 p.m. to meet again at the call of the chair.

APPENDIX "E"

PRESERVATION OF THE RIGHTS OF THE SUBJECT BILL

A Bill entitled

An Act for the better securing of the liberty of the subject.

THE MARQUIS OF READING

Explanatory Memorandum

This Bill is designed to strengthen the safeguards which protect the liberty of the subject against the misuse of statutory and other powers and to repeal or amend various legislative provisions whereby these safeguards have been weakened or undermined.

Clause 1 provides that any Statutory Instrument (by which is meant Order in Council, Statutory Order, Regulation or Rule) which is required to be laid before Parliament, may be amended in either House. At the present time such instruments have to be approved or rejected as a whole without amendment. The purpose of this Section is therefore, to establish more effective Parliamentary control over delegated legislation.

The object of Clauses 2, 3, 4, and 5 is to carry out the unanimous recommendations contained in the Report of the Committee on Ministers' Powers, 1932 (Cmd. 4060).

In the absence of any legislative provisions to the contrary, it is always open to a person aggrieved by an Order or Regulation made in pursuance of a Statute to challenge the validity of such Order or Regulation in the Courts, on the ground that it is outside the powers which the Statute conferred, and is therefore ultra vires. This is the only effective safeguard against Ministers and Departments exceeding the powers conferred upon them by Statute. There have, however, been certain exceptional Acts which prevent the validity of Orders or Regulations being challenged in the Courts, or which limit the period of challenge to a stated time after the passing of the Act. In accordance with the recommendation of the Committee on Ministers' Powers, this Bill provides that the period of challenge shall in no case be less than three months.