

Mr. DIFENBAKER: That is just the point I am trying to make. The people of Canada have a right to know how this money is going to be expended. The minister says: "We have one set of regulations now which we thought were all right, but we believe that further alterations will have to be made in them, and after securing the opinion of the committee, any changes thought advisable will be recommended to the governor in council." That, Mr. Chairman, is my objection to this whole procedure. It is a departure from democratic principles, the adoption of a new system whereby the minister will be the one man who will have the right to determine, by order in council, following recommendations to the governor in council, how expenditures shall be made.

The minister has brought forward the instance he gave the other day of expenditures in connection with coal bounties. But this is quite different. Here we are as a parliament placing in the hands of a minister of the crown the right to expend \$35,000,000, and he is bound by no statute, by no control whatsoever, except by regulations which have already been found unworkable in detail and requiring amendment. We come back to the point which we on this side of the house have raised on several occasions. We protest against the principle of placing in the hands of the governor in council the right to pass regulations uncontrolled by statute. Take the regulations which have been placed before us. What is there to protect any individual in western Canada who is not paid the amount provided herein for summer-fallow? Has he any recourse? Can he go to the courts when the minister says: You shall not receive any payment, and that is the end of it so far as I am concerned? In other words, if parliament approves the expenditure of these millions of dollars by regulation, it is in effect saying to the minister that he can do just as he pleases.

Under the Prairie Farm Assistance Act, a statute, regulations were passed which deprived many people in western Canada of their just rights under this statute, and allowed an equal number, if not more, the right to share in the benefits under a statute to which they were not entitled. That was done by regulations passed in contravention of the statute that parliament had passed.

I am asking the minister now to place a statute before this committee. Why these regulations? That is not only my view. It is the viewpoint of constitutional authorities in the United Kingdom that the principle of a minister of the crown disbursing large sums of money under regulations, and not under a statute, is the most dangerous principle that

[Mr. Gardiner.]

can be adopted. I am going to read to the committee what Lord Hewart, former Chief Justice of England, has said in dealing with this very matter. I quote from pages 12 and 13 of his book *The New Despotism*. He said:

It is one thing to confer power, subject to proper restrictions, to make regulations. It is another thing to give those regulations the force of a statute. It is one thing to make regulations which are to have no effect unless and until they are approved by parliament. It is another thing to make regulations, behind the back of parliament, which come into force without the assent or even the knowledge of parliament. Again, it is another thing to place the decision of a minister, in a matter affecting the rights of individuals, beyond the possibility of review by the courts of law.

That is exactly what this will do. The minister—and I am not sure that he would not use the power—would become an absolute dictator over the rights of every farmer in western Canada. He and those appointed by him will have the right to determine whether any person shall or shall not share in this sum which is being voted by parliament. There is no control whatsoever. The minister or those under his control or appointed by him may say to any qualified person: "You shall not receive any portion of the vote of parliament." There is no appeal, no recourse to the courts. It is entirely a discretionary matter with the minister. He says: "I have found it necessary to change the regulations already, and I will change them again if any recommendations to that effect come from this committee".

Why not adopt the ordinary democratic principle? Why not draft a statute embodying the ideas of the minister as enunciated by him when he first introduced these proposals and let us know, by statute, what the rights of farmers are all over Canada and what they must do to qualify and share in this scheme. I protest against a system being approved by parliament placing any minister of the crown and those under his control above the law, supreme over the individual, and with no right to appeal to the courts of the land.

Mr. GARDINER: I must apologize to the hon. member for Saskatoon City (Mr. Bence) for having promised him that he would be able to rise as soon as I sat down. He has not yet had that privilege. I happen to have on my desk, not for the purpose of answering what has just been said, but in order to answer some other points, the act which was drafted in 1935 by the then government, dealing with prairie farm rehabilitation. It states:

The governor in council may make such regulations as may be necessary or expedient for the effectual execution and working of this act and the attainment of the intention and objects thereof.