

*Employment Commission*

relief and providing employment, and perform such administrative duties with respect to relief and employment as may be assigned to it from time to time by the governor in council.

That means only one thing, and no specious reasoning can modify, alter or vary this essential conclusion, that in the language of that statute there is no provision made as to the kind of administrative work that the commission will carry on, but that the administrative work, on the contrary, is to be imposed upon the commission by order in council. If it is thus imposed upon the commission by order in council, that is an exercise of the legislative powers of parliament delegated to the governor in council. That is an exercise of delegated powers by the governor in council and parliament pro tanto is deprived of its legislative jurisdiction with respect to every phase of administration that this commission has conferred upon it by order in council. There is no gainsaying that at all; it cannot be suggested by anyone that that is not a correct statement of the situation. He who runs may read; it is too clear to admit of doubt.

I am not finding fault with the government for adopting the very plan which we found it necessary to adopt. Far from it, because I believe as the days go by the minister especially will be more and more seized of the fact that it is necessary to have a measure of elasticity and a lack of rigidity in the administration of this very measure, and that can be secured only through the exercise by the executive of powers conferred upon it by parliament. As was pointed out this afternoon by the Prime Minister, it is true that the right to issue cheques against the consolidated revenue fund under the relief legislation of 1930 to 1935 was restricted except in two instances. In the first bill it was limited to \$20,000,000 and in another bill the sum for direct relief was stipulated. But I desire to point out that the measure of the extent to which power may be used is not the exercise of it; it is the determination of whether or not the power is conferred. This statute does confer upon the governor in council power to appropriate out of the moneys of this country, without regard to parliament until after the expenditures are made, money which under the rules as laid down by eminent British authorities should always be antecedently authorized by this house.

For instance, I do not know whether these men are to be paid \$20,000 per annum, \$15,000 per annum or \$50,000 per annum. When the tariff board legislation was before this house it was insisted that we state in the bill what the chairman and each of the commissioners should receive in order that parliament might

[Mr. Bennett.]

know the extent to which the resources of the country were being called upon to pay the salaries of those charged with responsibilities under the statute. This statute makes no provision for the payment of the seven commissioners—in the other case there were only three—or for the payment of the secretary. These are matters that will involve the exercise by the governor in council of the power which is conferred by this statute. In this case it is a blank cheque for salaries; in the other instance it was a blank cheque for relief. The extent of the exercise cannot possibly change the principle and the exercise of the power in one case is just as bad as the exercise of it in the other. The extent to which the exercise can go can never be a determining factor as to the validity of the exercise of the power. This has so often been held to be so as not to require discussion on my part.

Mr. ROGERS: I should like to ask my right hon. friend whether the Inquiries Act, which provides for the setting up of royal commissions, places any limitation upon the amounts which may be paid by the governor in council to the members of a royal commission.

Mr. BENNETT: Yes, it provides how much they shall receive per day. The amount is inadequate and usually has to be supplemented by further assistance from the treasury. The hon. member for Leeds (Mr. Stewart) is not exactly sure as to the amount, but he thinks it is only \$20 per day.

Mr. ROGERS: It is quite frequently added to?

Mr. BENNETT: Yes. There is no doubt that it is inadequate under present conditions.

I shall not traverse further. The whole theory of constitutional government is based not upon the amount, but upon the principle involved. If the principle is involved in the one case equally as in the other, then there has been a violation of principle. The extent of the violation is another thing entirely. There is no doubt that the Relief Act of 1935 contemplates expenditures under the so-called blank cheque upon a much vaster scale than is suggested by the bill now before the committee. I will admit that at once.

The next point is one that seems to me to be worthy of consideration. It was suggested this afternoon that vast sums of money were expended on public works and that parliament had not given an antecedent expression of opinion as to the desirability of this