

The next point suggested this afternoon was that it would have been possible to introduce this legislation that is now before the committee under the provisions of the Relief Act of 1935. Now, let us analyze that for a moment. First, it could not have been enacted by order in council if the house was in session. The statute was passed in April, 1935; the house rose on July 5, 1935. Between those two dates, the house being in session, the governor in council could not exercise his powers for that purpose. From July to October those powers might have been exercised, but they were subject to one controlling provision, that is section 11 of the Relief Act of 1935, namely:

This act shall expire on the thirty-first day of March, 1936.

Then there were the other provisions with respect to obligations incurred being met. Therefore, when it is suggested that this legislation might have been passed under the powers conferred upon the governor in council by the Relief Act of 1935, I submit that such could not be done in view of the fact that this measure now before the committee does not expire on March 31, 1936, nor does it expire at any date until it is repealed. In that regard it is like every other statute that appears on the statute books of our country without limitation of the period of its life, namely, it is a law that continues to control and govern until such time as parliament in the exercise of its powers repeals it.

Mr. MACKENZIE KING: May I ask does my right hon. friend mean to say that the present administration could not after we came into office have appointed a national employment commission under the statute to which he has just referred? And had that commission exercised its powers up to the end of the fiscal year, could we not before the end of that time have secured from parliament authority to extend the commission and its powers for a further period?

Mr. BENNETT: I have not said any such thing. I said that the government could not by the exercise of the powers conferred upon the governor in council pass this statute because those powers expired on March 31, 1936, but the government could have provided by order in council in part at least for what is now before the committee, but this would, of course, have been a dead letter on March 31, 1936.

Mr. MACKENZIE KING: That is all I was stating. I was not criticizing my right hon. friend. I say this government might have

created a national employment commission by order in council, but preferred to have the whole subject discussed in the first instance by the house.

Mr. BENNETT: The point I am endeavouring to make at the moment is that to have done so would have been to create an organization that would have just begun to function when it died, and that it was obvious that the statute did not contemplate the setting up of any such body whose powers would expire on March 31, 1936.

There is another reason which I desire to suggest, and that is that under the very powers which the commissioner, Mr. Hereford, has exercised, he has been doing just what the minister suggests in the bill should be done. The minister gave us the other day a complete answer to that side of the case by indicating that he had been able, with the aid of the provinces and the municipalities and through his department, to secure the classified information that he desires. I think the question of information is complete.

There are certain factors, however, that have to do, not with the question of acquiring information, but with the control and supervision which obviously must be of a continuing character. I do not think any well-advised executive would suggest the setting up by order in council of a commission of that kind unless there was some certainty of a statute being enacted during the period of time that it was operating that would continue it in office. I do not think any executive would contemplate any such action as to let it expire on March 31.

The next point to which attention was directed was in connection with the powers of the governor in council under the respective statutes. The hon. member for St. Lawrence-St. George (Mr. Cahan) pointed out this afternoon that in reality this bill as it now stands might be complete by merely giving its title and then saying, as section 10 does, that all the powers following may be from time to time conferred upon the commission by the governor in council. Section 10 provides:

The governor in council may from time to time make such orders and regulations as may be necessary to carry out the provisions of this act.

He pointed out the other day—and to this neither the Prime Minister nor the Minister of Labour has since referred—that section 7 provides:

The commission shall, under the direction of the minister supervise the expenditure of funds voted by parliament for purposes of