

*Employment Commission*

municipal authorities and relief was administered largely under provincial statutes and municipal regulations. The administration of relief, under this measure, will be more largely under the Department of Labour and this commission, and therefore I suggest that the provision that "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" does not contain anything which gives effective authority to the orders and regulations so made. Mere orders have little effect in dealing with administrative matters unless such orders and regulations have the validity of law. I suggest, therefore, that these orders and regulations made by the governor in council, when published in the Canada Gazette and thus notified to all parties and interests, should be made effective as if they were part of this legislation.

Mr. BENNETT: I think the Prime Minister has overlooked the fact that in the relief act there was another section which, combined with section 6, had the effect of the amendment proposed by the hon. member (Mr. Cahan). Section 7 reads:

All orders and regulations of the governor in council made hereunder shall have the force of law and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by any such variation, extension or revocation.

The reason for that is as given by the hon. gentleman who has just taken his seat, and the combination of section 6 and section 7 is found in the amendment he proposes. Section 6 without section 7, it is true, is found in the bill now before the committee, but section 7 of the relief act of last session, chapter 13, is not included in the present measure.

Mr. CAHAN: In view of the wording of the amendment which I proposed, making such orders and regulations as effective as if inserted in the bill, no further provision is needed such as is found in the section which the leader of the opposition has read, because in that respect it is hereafter governed by the Interpretation Act of the Revised Statutes of Canada.

Mr. MACKENZIE KING: I appreciate that my hon. friend's desire in the matter has been to be helpful and I wish to thank him for it. I think the hon. gentleman and perhaps most hon. members opposite are more alarmed than there is any occasion to be over

[Mr. Cahan.]

the possible extent of the exercise of administrative duties by this commission. However, as I said the other evening, there may be occasions when it will be desirable to have the commission exercise certain powers of administration. To that extent it appears that the clause which my hon. friend has suggested would be preferable to the one in the bill. I have spoken to my colleague the Minister of Labour about my hon. friend's suggestion. He concurs in the substitution of the clause my hon. friend has suggested for section 10 as it stands, and the government will be pleased to accept it.

Mr. CAHAN: I merely wish to be helpful.

Mr. STEWART: Before section 10 carries I should like to ask the Minister of Labour as to his interpretation of the power of the governor in council under that section. How far does it go? Is it an overriding power? Is it the final determining influence and power in the administration of this measure?

Mr. ROGERS: The powers as exercised by the governor in council are controlled by the terms of the bill itself.

Mr. STEWART: Yes. Well, it seems to me that this is a striking example of government by order in council. Let us take this bill and start at its beginning. First, the commission is to be appointed not by this house but by the governor in council. Then the house is not to be permitted even to say how many shall compose the commission; the number is to be determined by the governor in council. The salaries are not fixed by parliament. In spite of the strict regard which the house should have as to control of expenditure of money, it is allowed no voice whatever as to the salaries that are to go to these commissioners. The secretary is to be appointed by the governor in council. Then we have a national advisory committee to be appointed by the governor in council. Finally we have section 10, that 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 bill. This is a complete blanket authority to the governor in council to make any order, any regulations, that is deemed proper or necessary for the carrying out of this legislation. I am not complaining about that provision; I think it is an essential one. But let us compare it with the provision in the Relief Act of 1935, section 6, which reads as follows:

The governor in council shall have full power to make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intention of this act—