

taken of the Supreme Court Act to have the measure referred to the supreme court for an opinion which would decide beyond any question of doubt whether the proposed unemployment insurance measure, if given the force of law, would be valid and its provisions thereafter unquestioned as coming within the competence of this parliament. Hon. members no doubt are aware that there is a section in the Supreme Court Act which was enacted for the very purpose of meeting situations of the kind. The section gives the supreme court authority to determine and pronounce finally in advance so as to avoid unnecessary expense and also the inconvenience and annoyance that are occasioned by a measure being subsequently disallowed. Section 55 of the Supreme Court Act gives the court special jurisdiction with respect to references by governor in council. It reads:

Important questions of law or fact touching

(a) the interpretation of the British North America Acts, or

(b) the constitutionality or interpretation of any dominion or provincial legislation, or

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(d) the powers of the parliament of Canada, or of the legislatures of the provinces, or of the respective governments thereof, whether or not the particular power in question has been or is proposed to be exercised,

may be referred by the governor in council to the supreme court for hearing and consideration; and any question touching any of the matters aforesaid, so referred by the governor in council, shall be conclusively deemed to be an important question.

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The opinion of the court upon any such reference, although advisory only, shall, for all purposes of appeal to his majesty in council, be treated as a final judgment of the said court between parties.

In other words, we of the opposition of the day felt that to put the act into force would necessarily involve a very large expenditure, also the making of a considerable number of important appointments. We expressed the view that before the people's money was used for the purpose of an enactment about which there was doubt as to the competence of parliament, it was advisable that that doubt should be removed altogether.

The leader of the Conservative party of the day would, however, not pay any heed to the representations which were made. The act was passed and found its place on the statutes and several appointments, if I recall aright, were made under it. The Conservative party was not returned to power at the election which immediately ensued. The present administration came into office and we immediately referred the question of the validity of the act to the supreme court for

decision. The supreme court gave its decision, which was in accordance with the view which we held at the time we opposed the measure. An appeal was then taken to the judicial committee of the privy council in England and the privy council upheld the decision of the supreme court. My hon. friend will I think agree that in seeking a final decision by the judicial committee of the privy council in the old country, we were seeking and securing the opinion of as high an authority as was possible. It was in that way that the unemployment insurance enactment of the late conservative administration fell to the ground.

We then immediately sought to bring in a measure of unemployment insurance which would be beyond question as to its validity. The difficult but most necessary part of the whole business was to get the consent of the several provinces. That has not been an easy matter. My hon. friend has referred to our having lost a good deal of time in getting an unemployment insurance act upon the statutes. I agree with him that it is unfortunate that a lot of time has been lost, but it has been lost, not at the instance of the federal government, but at the instance of the provinces which would not agree to an enactment by the federal government. While, however, we have lost time in that way, we have made an exceedingly important gain in another direction, which, in the end, may mean much saving of time, namely, to-day we are able to introduce an act which carries with it the consent of every single province of this dominion. That is a very great achievement. Up until this year we were unable to secure from all of the provinces an approval which would enable us to say: We have the provinces in complete agreement with us as to amending the British North America Act in a manner which will enable this federal government to pass an unemployment insurance measure without possible question as to its validity being raised either now or later on. I feel that that achievement of itself will in the long run be most valuable. We have avoided anything in the nature of coercion of any of the provinces. Moreover we have avoided the raising of a very critical constitutional question, namely, whether or not in amending the British North America Act it is absolutely necessary to secure the consent of all the provinces, or whether the consent of a certain number of provinces would of itself be sufficient. That question may come up but not in reference to unemployment insurance at some time later on. For the present at any rate we have escaped