

peace time, to grant to a board power to say that no matter what is in a statute passed by this parliament, notwithstanding anything to the contrary contained elsewhere in this act where we provide for certain prohibitions and exemptions, for privileges, for the commission of offences and infractions, the board can come along and say to one man, "You do not come under it", but to another man, "You do". Parliament is asked to place in the hands of a board the power to discriminate against one class of business, or between one class and another or one individual and another. In other words no matter what the law of this land is, and regardless of what parliament says the law is under the statute, the board is placed above the law and may by regulation remake any part of the law to suit its purposes, its whims and its caprices.

My hon. friend said this was a Liberal speech. Mr. Chairman, parliament has a responsibility; that is why I make this appeal with respect to the section we are now considering. What do we do? We make a board set up by parliament the absolute judge of who shall be the beneficiary of its benevolence and who shall be the victim of its arbitrary discrimination. Where, in any parliament, should any board ask for power such as that? Can there be any argument that when a board has the power and right to discriminate as between individuals, to grant preference to one citizen as against another, the subjection of all persons to the law in equality disappears and arbitrary power is substituted for equality before the law?

At one o'clock the committee took recess.

The committee resumed at three o'clock.

Mr. DIEFENBAKER: Mr. Chairman, before the recess I was dealing with the effect of section 35, subsections (d) and (e), and I had pointed to the absolute power that would be placed in the hands of the board under this bill as it now stands. It was suggested this morning that under this legislation, in effect, a socialistic viewpoint had been arrived at by the government, having regard to what has been done since the Prime Minister left. From the legislation that has been introduced in the house it is apparent that the government is on the socialist side, and when I say that I refer to this legislation.

The United Kingdom has similar legislation, but I would point out that the Attlee government, which is desirous of introducing socialism, has not given the power to any board to

make such regulations as are set out in section 35, free and uncontrolled by parliament. My hon. friend will say that a sop has been thrown to parliament by sections 2 and 3. All that sections 2 and 3 do is this: After the board is empowered to act as it chooses, to interpret the law as it may, any regulation that is passed shall be laid before parliament within fifteen days after it has met, and is effective only when approved by the governor in council. These are not sufficient safeguards. It still remains within the power of the board to go contrary to the law as set forth in the bill. This is something I cannot understand. It defines what resident is.

Mr. MACKENZIE: Has my hon. friend read the provisions of the Natural Products Marketing Act passed by the Bennett government?

Mr. DIEFENBAKER: I have heard that repeated and repeated. I have read it. One of its greatest opponents was my hon. friend.

Mr. MACKENZIE: No.

Mr. DIEFENBAKER: No? He just voted against it, that is all.

Mr. MACKENZIE: Spoke against it for four weeks in this house and voted against it.

Mr. DIEFENBAKER: That is what I am saying; he spoke against it.

Mr. MACKENZIE: It was the most vicious act ever introduced in this parliament. Talk about regulations and regimentation!

Mr. DIEFENBAKER: The only justification my hon. friend now advances as a member of the government is that what was wrong under one act—

Mr. MACKENZIE: Was it wrong?

Mr. DIEFENBAKER: According to my hon. friend.

Mr. MACKENZIE: According to my hon. friend, was it wrong?

Mr. DIEFENBAKER: That marketing legislation would have been advantageous to this country, but the government of which my hon. friend is a member took it before the courts, appointed lawyers for the purpose of saying to the courts that the legislation was not within the power of parliament, and had it declared ultra vires of this parliament.

Mr. MACKENZIE: I am sorry to interrupt; I have great appreciation and admiration for my hon. friend. Will my hon. friend not concede that the powers and regulations and regimentation and evasion of the supreme authority of parliament under that act were the most atrocious in the history of Canada?