

*Defence Production Act*

that we are following a pattern which has not emerged now for the first time. Delegated authority is one of the most difficult aspects of modern government. But it is not new. Delegated authority was found necessary many years ago. The extension of that delegated authority led to abuses, then to corrections and to a reversal of the trend. Then, presently, delegated authority would be extended once again, and again there would be a check of those abuses. We are seeing here carried forward, as this government said it would not carry forward, delegated powers as part of our ordinary peacetime laws, which indicates that now is the time to reverse the trend and to take an historic stand that we have gone far enough, and too far, along the road of the delegation of the powers of government, not only to the executive but in this case to an individual.

Since there seems to be an uncertainty, not only in the mind of the government but in the minds of hon. members, as to the history of delegation, I think it would be appropriate to place on the record something of the history of delegated legislation, because that is what we are dealing with, delegated legislation embedded into the permanent law of the country. There are those, of course, who say, why go back into ancient history? But after all, if you do not go back into ancient history and do not examine what has happened before, it is precisely like a doctor attempting to perform an operation without having studied anatomy and the history of the various experiments which have been carried out during the long history of medicine. We are dealing here with the body politic, a more complex body even than the individual human body. In this case, the human body of the minister is out of the room, but I know that he is beyond the curtains and can hear me.

**Some hon. Members:** Oh, oh.

**Mr. Drew:** Hon. members say, "oh". Where are the ministers? There is one minister sitting in the house now, the minister of external affairs, at a time when we are conducting this debate. I most emphatically assert that it would be unreasonable for anyone at some future time not to be informed of this fact, because later on they might wonder at some minister indicating he was unaware of the arguments which had been made here, if ministers were not protected by information that they had not been present at this time.

**Mr. Gour (Russell):** Where is the mover of the amendment?

**Mr. Drew:** Mr. Speaker, I heard an incoherent sound which I assumed was a request to be heard—

**Mr. Pearson:** Mr. Speaker, the question was a very pertinent one. It was, where is the mover of the amendment which is now before the house?

**Mr. Langlois (Gaspé):** He has gone with the wind.

**Mr. Drew:** The mover of the amendment before the house will be back presently, and I think the minister is well aware of that. If the minister is in any way concerned about that I simply repeat, where is the Prime Minister (Mr. St. Laurent) in whose name the motion stands? Where is the Minister of Defence Production? Where is the Minister of National Defence (Mr. Campney)? Where are all the other ministers? The only minister present has made the interjection which has been made. Nevertheless, if the minister will look opposite he will find plenty of hon. members of this party who are here to take part in this debate.

**Mr. Langlois (Gaspé):** Half of the seats on your side are empty.

**Mr. Drew:** I was indicating that in a case of this kind, only because it does seem so obvious that certain of the history of delegated legislation has not been recognized, something ought to be put on the record which would show the rise and fall of delegated legislation and the danger of once starting this practice and the need for pulling back from it. This is not something new. It started in about the fourteenth century. A law of 1385 is the first clear example of delegated legislation and that law as a matter of historic interest provided that the staple should be held in England; but in what places, and when it shall begin, and concerning the manner and form of its regulation and government shall be presently ordained by the king's council, with the authority of parliament; and whatever shall have been ordained in this part by the said council shall have the virtue and strength of parliament.

You see, the tendency began in the fourteenth century when the law said that in whatever manner the government ordained, wherever the government ordained and without knowing in advance what happens, then people are bound by the ordinance. But even then, in the fourteenth century, there was a sufficient appreciation of the responsibility of the government that they did not permit the placing of such power in the hands of an individual. The law does bear a surprising resemblance in wording to that now before us, except that it is much shorter.