

*Emergency Powers Act*

racy, too slow for the needs of defence. Surely the government, by those words of the Prime Minister, has established beyond any doubt that asking for these powers is as unjustifiable as it is a denial of democratic government.

**The Chairman:** Are the members ready for the question?

**Some hon. Members:** Question.

**Mr. Drew:** Mr. Chairman, the Minister of Justice said he was waiting to give a certain reply. I expect we are going to receive that reply.

**Mr. Garson:** Mr. Chairman, I do not know whether I dare refer to the absence of the Leader of the Opposition from the chamber the other day, but at that time when it seemed to me appropriate to make a full statement in respect of the bill I went at some length into the statements made when the bill was first introduced by the Prime Minister, setting out the reasons why these powers were being sought.

At that time I discussed at some length also the observations my hon. friend the Leader of the Opposition himself had made, in agreement with the Prime Minister, as to why the course the government was following at that time was the correct one. It may be that my hon. friend the Leader of the Opposition would like me to repeat those remarks. However, other members have already heard them, and I do not think any purpose can be served by my repeating them now. Indeed I believe I would be proceeding contrary to the rules in that I would be guilty of repetitious argument.

**Mr. Drew:** Mr. Speaker, I agree there would be no use in the minister repeating them, because I have read them and they contain no single indication of the need for this legislation, not one. And I would point out something that occurred within the past few minutes and which, I suggest, should not be overlooked. When the hon. member for Lake Centre asked a certain clear and understandable question of the Minister of Justice, a question the minister must have understood perfectly well, he evaded it by saying, "The questions asked me are such that the hon. member, as a lawyer, would know I would not feel like replying for a couple of weeks", and he left it at that. Then the Prime Minister gave the best possible answer to a statement of that kind by rising in his place and stating very correctly what we have been contending all along, and that is that this act, subject to the reservations in section

2(2), transfers to the government all the powers that could ordinarily be exercised by this parliament.

**Mr. St. Laurent:** I am sure the Leader of the Opposition does not mean that transferring power would take it from parliament and place it in some other hands. This merely authorizes the government to exercise, if it takes the responsibility of doing so, power that still remains with parliament and that parliament could exercise. That was the answer I gave the hon. member for Lake Centre. I did not attempt to say that all the things he had enumerated could be done. I said if they were things that it was within the power of parliament to do and not excluded by the reservations, that they would be also within the power of the executive to do, but that they would not be any more apt to be done by the executive than they would be apt to be done by parliament. I am sure the hon. gentleman did not mean to convey that parliament was depriving itself of the power; it was depriving itself of being the sole body who could do it.

**Mr. Drew:** The Prime Minister was perfectly clear. What he indicated and what is undoubtedly correct was that, subject only to these rather meaningless reservations—and they are meaningless—in section 2, subsection 2, in so far as the enactment of administrative law was concerned, anything that this parliament could do is transferred to the government for legislative enactment, subject of course to the review that is provided by this act.

**Mr. St. Laurent:** Subject to parliament doing it at any time. Even without the government having acted, the powers of parliament remain as complete as before; only parliament has said that the government may also do those things, but if it does they must be brought before parliament for review. That does not take from parliament the right of parliament to do them itself.

**Mr. Drew:** Mr. Chairman, I recognize that in theory what the Prime Minister has said is correct; but in practice, under our parliamentary system, it has no meaning. Under our parliamentary system if a government, with the habit of such wide and sweeping majorities as this government has acquired, presents legislation and that legislation is on the statute books, we know perfectly well that a private member would not be able to introduce legislation which would repeal legislation that had been put before us and passed by a majority supporting the government. In fact no government that expected to survive many days in the house would