

*Emergency Powers Act*

indefinitely once it got on the statute books. Let us see just what has happened. First of all there was the emergency legislation during the war itself. Then the National Emergency Transitional Powers Act; it was put forward not because of the need of emergency legislation so much as simply a device to continue the orders still in force. And then when all these orders had disappeared and had been rescinded we were asked to support a new emergency order, and that order was passed in 1951.

It is true there was not the same extended opposition to that measure that there has been on this occasion, because it was recognized that if there were to be those steps taken which the government indicated it proposed to take, then it was necessary that some emergency authority be granted. May I remind the government on this occasion, and the minister particularly who puts this argument forward, that we have made it clear on this occasion that we believe it may be desirable to have certain emergency powers clearly defined under specific acts which will mean that the government can act only in circumstances known in advance by the members of parliament who delegated that authority to them.

We have pointed out that even if the problem of box cars arises, which is so much in the mind of the Minister of Justice, he can deal with them by an amendment to an act that already deals with box cars. And if there are to be certain other emergency provisions, they may be included in other legislation now on the statute books which would make it possible for the members of this parliament to know within what general range of circumstances the government is going to be able to take the emergency action that is contemplated.

I repeat that we cannot disregard the fact that there is emergency legislation already in existence of which we do not know the details, and in regard to which we certainly have no idea as to the steps that have been taken under that secret order. I repeat that if one secret order can be made, any number of secret orders can be made in exactly the same way. I point out that, when the minister speaks about the way in which we have been assured that any measures passed under this act will be subject to the review of parliament, this is a meaningless assurance in view of the fact that it would be necessary for those who object to what the government had done to be able to obtain a majority vote from the members of this house.

Without saying anything about the voting habits of hon. members which might incur the

displeasure of Mr. Speaker on this occasion, may I simply say that we have not had any evidence which would support our belief that we would be likely to gain the support of the majority of hon. members when we must in that case have a large number of those who in the ordinary course of events do vote so regularly in support of the government. And yet any real power of review, any real power of change, any real power of protection on behalf of the people of Canada is entirely dependent upon that reality which not one of us can disregard. Therefore we have in the first place the possibility of secret orders, any number of them, although there is only one today, or so we are told; and also the reality that in the case of these orders not placed under terms of secrecy by an order in council under the Regulations Act, we have in fact no real chance to change them, and in any event steps would already have been taken which would have committed the government very substantially before any discussion could take place in regard to these matters.

I indicated before, Mr. Speaker, that we were not suggesting that this is a problem that is related only to our parliament. I pointed out that this is a problem that relates to all parliaments which have been called upon to exercise emergency powers during those past few years, and I should like to read into the record words that, even in spite of his susceptibility in respect of anything that he thinks might savour of politics, cannot be regarded as an adverse political comment when I say that what I am quoting was put forward in the British House of Commons by the leader of the Liberal party there. This is what Mr. Clement Davies had to say on October 23, 1950, in the British House of Commons in regard to this trend about which I believe more concern should be expressed by hon. members, not just those who are members of the opposition:

It was sad to see how little interest was being taken in a matter that concerned the sovereignty of parliament by members of all parties. During the last thirty years the tendency had been to surrender back to the executive powers that had been won from them over the centuries. There was a tendency to initiate a new judicial power, to create administrative laws, making the executive to a large extent judges in their own case. The sovereignty of parliament was threatened. All the time we were being called on to surrender more and more of our rights and privileges to the government of the day. This continuous erosion was far more dangerous to liberty than any attack from the other side. We were awake to that and could resist it, but the drip, drip, drip of erosion was more likely to destroy the house.

Mr. Speaker, it is this erosion of the powers of parliament that should cause more concern