

Emergency Powers Act

insurrection". Apart from that the language is identical.

Let us examine further the language that follows in the present bill. The language of section 2 is not language that restricts the generality of what I have just read, it is language that expands it for clarity's sake. These are the following words:

—and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the governor in council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:—

The enumeration that follows closely resembles the language of section 3 of the War Measures Act. In a word, there is no essential difference between section 2 (1) of the present bill and the language of section 3 of the War Measures Act.

The only peg upon which the minister can hope at all to hang an argument is the difference created by the provisions of subsection 2 of section 2. There you have what are described as the restrictions on the powers vested in the governor in council by subsection 1 of section 2. There are only three exceptions. They are:

(a) arrest, except as incidental to proceedings under section three, detention, exclusion or deportation of any person;

(b) censorship or the control and suppression of publications and writings; or

(c) expenditure of moneys otherwise than in accordance with an appropriation by parliament.

There is a similar reservation in the War Measures Act. The minister was at great pains to assure the house this afternoon in one of his most troubled passages that the government did not want the War Measures Act because they did not want to have vested in them the power of arrest. It is fortunate that there are records in this house and that we are not left dependent upon the statement of the Minister of Justice.

I have here in my hand the bill as introduced in this house and given first reading on February 20, 1951. What was the language then of section 2, subsection 2 of the bill. Was there any exclusion of arrest? There was not. That subsection provided for the right of detention, exclusion or deportation of any person. There was not a word in the government's version of that bill as introduced in February, 1951, to exclude the power of arrest; not a syllable.

Mr. Garson: On a question of privilege, my hon. friend needs only to cast his mind back about an hour and a half and he will remember that those words he has repeated with such great indignation were the subject of discussion between him and myself during

[Mr. Fleming.]

which I frankly admitted what he is now trying to establish with such great ostentation.

Mr. Fleming: I am glad the minister remembers the correction that was administered to him an hour and a half ago, because I was just coming to it. I am very glad to hear his admission now that he accepted the correction, because it was not quite so apparent an hour and a half ago. Rather he undertook to rebuke me for having interjected this question. He said I should be the last person in the house to obtrude an interjection on this subject. I am glad to know that the light is dawning. It is refreshing to find that something is seeping through and that the minister now admits that an hour and a half ago he received the benefit of a correction in the statement he was then making to the house.

What was introduced in relation to this provision as to arrest was introduced by the opposition when the bill was in committee of the whole two years ago. Those of us on this side of the house strenuously opposed this measure because there was reserved to the governor in council in the government's version the power to make regulations and orders in council with respect to the arrest of any person. Credit for the fact that you now find in this measure a restriction which prevents the government from passing orders in council and making regulations with respect to arrest is owed to the official opposition.

Mr. Garson: That is right. No person has ever contended otherwise.

Mr. Fleming: I am very glad indeed that we have that squarely on the record, because the mood of the Minister of Justice now is the mood of a very different man from the Minister of Justice of an hour and a half ago.

Mr. Garson: Tut, tut.

Mr. Fleming: Was there any suggestion then of giving the opposition credit? Oh, no. That would have been much too generous. We have the record straight now. We will remember then, Mr. Chairman, that by this test we shall measure the reliability of the statement made by the Minister of Justice earlier this afternoon that the reason the government wanted this bill and not the War Measures Act was that they did not want to have the power of arrest. I trust that we have now exploded the nonsense in that statement by the Minister of Justice. That was a very important achievement on the part of the opposition on that occasion.

Then it will not have been forgotten that under demands of the official opposition one