

*Government Organization Act, 1970*

**Mr. Osler:** That is what they did in Manitoba.

**Mr. Douglas:** If the hon. member wants to make a speech, he will have the opportunity to do so. I invite him to take part in the debate and to make a speech, but to please keep quiet while I am making my speech.

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

**Mr. Douglas:** I suggest that the hon. member should remain seated, even though that gives him concussion of the brain. I suggest that he sit where he now is.

Clause 14 reads:

Where it appears to the Governor in Council that the requirements for formulating and developing new and comprehensive policies in relation to any matter or matters coming within the responsibility of the Government of Canada warrant the establishment for the time being of a special portion of the public service of Canada presided over by a Minister charged with responsibility for the formulation and development of such policies, the Governor in Council may, by proclamation, establish a Ministry of State for that purpose.

I underline the words "developing new and comprehensive policies". This clause gives to the cabinet the power to set up what are, to all intents and purposes under this proposed legislation, temporary departments. Clause 15 reads:

A proclamation establishing a Ministry of State shall

- (a) state the name of the Ministry;
- (b) specify the matter or matters in relation to which the Minister for the Ministry is to formulate and develop policies; and
- (c) specify the powers, duties and functions to be assigned to the Minister for the Ministry in relation to the formulation and development of those policies.

I draw the attention of the committee to these words in subclause (c), "specify the powers, duties and functions to be assigned to the Minister". I also draw the committee's attention to clause 21, which reads:

In addition to the powers, duties and functions specified in the proclamation establishing a Ministry of State, the powers, duties and functions of the Minister for that Ministry extend to and include such other matters as are assigned or transferred to the Minister or the Ministry by or pursuant to any Act of the Parliament of Canada.

That clause provides that the cabinet has power to determine the powers, duties and functions of a department which is to be established as a ministry of state. It has the authority to extend those powers and give additional areas of jurisdiction to a minister of state. It has the power to end such a department at any time, without reference to Parliament and without any reference to any statute on the statute books of Canada.

When the Canadian Labour Congress appeared before the government to present its annual brief a few weeks ago, the Minister without Portfolio in charge of housing suggested to the delegation that the whole question of housing could be speeded up if Parliament passed Bill C-207, so that a ministry of state could be established for housing and urban affairs. I am not in a position to know whether the Prime Minister intends to establish a ministry of state for housing and urban affairs although, certainly, the statement of the Minister without Portfolio to

[Mr. Douglas.]

the CLC delegation gives one reason to believe that that is the government's intention.

What does that mean, Mr. Chairman? Is a ministry of state dealing with housing and urban affairs within the terms of reference of the words of clause 14 that I shall now quote:

—developing new and comprehensive policies in relation to any matter or matters coming within the responsibility of the Government of Canada—

Does this mean that the government is now asking Parliament for the authority to set up, by order in council and by proclamation, a department of housing and urban affairs, without any reference to Parliament and without giving Parliament the opportunity to discuss the duties to be allocated to the minister, the powers given to the ministry of state and the jurisdiction which the minister of state will have?

A ministry of housing and urban affairs is not a temporary measure dealing with new and comprehensive policies. It is the kind of department that ought to be permanent. It is a department that will probably function as long as there are problems in housing and problems relating to urban affairs. Yet here the government is asking for authority, without referring to Parliament and merely by proclamation, to set up such a department, to extend the powers of that department and, when it deems it advisable, to end that department. Parliament is not to have any opportunity whatsoever to discuss the matter. Mr. Chairman, this is an amazing attitude for the government to take.

**Mr. Diefenbaker:** It is scandalous.

**Mr. Douglas:** It is nothing short of scandalous that the government should ask for the power to set up departments of government without referring to the Parliament of Canada and to the elected representatives of the people the matter of what areas of jurisdiction should be available to such a department, what powers it should exercise and what duties shall be prescribed for the minister in question. Actually, this government has been consistently endeavouring to erode the powers of parliament. Already the control of the purse strings has largely passed out of the hands of Parliament. Estimates go to committees. There is no opportunity in the House except for a vote. It is true that a member may specify a particular item on which he wants a vote taken, but there is no opportunity for discussion. The control of the purse strings is increasingly slipping out of the hands of the elected representatives.

● (3:40 p.m.)

We are now asked to go one step further and give the cabinet the stupendous power to set up departments of government with sweeping powers. We are asked to give the government that right without any recourse to Parliament whatsoever. The President of the Treasury Board says that this is necessary in order to have a flexible response. I say that this request for a flexible response is