

*Emergency Powers*

time to abandon them. Therefore I would urge that this session be not prolonged by debate that can have no real effect on the situation. In the end, I presume that the extension desired by the government will be granted. I notice that whenever the matter comes to a vote, the men who oppose it most vigorously in debate are glad to vote in support of the measure which is before the house. I have also noted that hon. members of the official opposition who a year ago were demanding the immediate abandonment of all controls have modified their position and are now ready to say that all controls should not be abandoned; nevertheless they are sure that, given unlimited time and unlimited discussion, they can find one or two controls that should be abandoned now instead of a few months hence.

I would earnestly ask a return of sanity in the discussion of this problem, and a shortening of the debate which has contributed and is contributing nothing of value to the economic life of this country.

Mr. HACKETT: Will the minister permit a question?

Mr. HOWE: Yes.

Mr. HACKETT: It was stated that the government had laid the foundation of a new social order. Following that statement, the minister told of the achievement of the Steel Company of Canada. I want to know if there is any association between the foundation of a new social order and the practices which brought about the desired results in the Steel Company of Canada, as the minister mentioned.

Mr. HOWE: No, Mr. Speaker. The fact is I started to develop a subject and decided it was not worth developing at this time, and then I dropped it; but at some time I should like to talk about the progress that has been made on laying the foundation for a new social order. I decided that tonight was not the appropriate time. Perhaps it is something similar to the vote which my hon. friend cast this afternoon.

Mr. HACKETT: It was wholly unintentional and without malice.

Mr. EUGENE MARQUIS (Kamouraska): At the beginning of my remarks I wish to say that actual controls are extraordinary remedies for extraordinary conditions. They cannot be accepted as such in normal peace time. Such legislation may be implemented as a result of the scarcity of commodities caused by an emergency situation. In normal times, controls cannot be maintained by this government

[Mr. Howe.]

on matters pertaining to the jurisdiction of the provinces. Constitutionally the federal government must avoid legislating on subjects under the jurisdiction of the provincial governments unless "the safety of the dominion as a whole" is really concerned, and in such a case there is no infringement on provincial rights, because it is the duty of the dominion government to secure order, peace and good government for the whole country and for each of the provinces as well when there is an emergency arising out of the war. Such is the gist of the judgments of the privy council which may apply to the present bill. The Fort Frances Pulp and Paper Company and the Manitoba *Free Press* case decided in 1923, after world war I, and the Japanese reference, in 1947 after world war II, dealt with questions "which arose by reason of the special circumstances of national emergency, which concerns nothing short of the peace, order and good government of Canada as a whole" as stated by Lord Haldane when rendering judgment in the Fort Frances case. When there is such an emergency the dominion government is in duty bound to legislate so as to ensure the security of the provinces and of the people of the whole country as well. I venture to say that the extraordinary powers given to our government under such circumstances need not be prolonged any longer than is necessary for the stabilization of the economy disrupted by war.

On the other hand, since the provincial governments have no right to legislate for the whole Canadian economy, it seems imperative that some powers should be exercised by the only government which has jurisdiction over these matters of general interest. Consequently, on the constitutional point of view this government has not only the right but the duty to make such laws as will secure economic stability and a normal way of living in the provinces and in the country when there is an emergency arising out of the war.

This bill proposes, for the period of one year only, the continuation of certain controls which were introduced during the war and which seem necessary for the stabilization of our national economy. Its purpose is to fill the gap between war time and peace time. We cannot deal with this legislation as if it were a permanent measure. It is required for urgent and temporary matters only. I am of the opinion that such legislation would be unconstitutional if it were of a permanent nature.

Is it not apparent that we are now struggling with serious post-war difficulties and that a great number of commodities will not be