

Public Works Act

May we consider the whole section and the subsections? The whole section gives hon. members a clear picture that we ask for tenders, and that when we meet circumstances where tenders are impracticable—and, may I say, I could give examples, especially in this city of Ottawa, and very close to it—

Mr. Green: The Prime Minister's house?

Mr. Fournier (Hull): Well, if you wish. And the east block, if you wish—and certain other buildings which were put up about seventy years ago, and that we have to keep in repair. We found out that we had to stretch the language—because, as the hon. member for Vancouver-Quadra (Mr. Green), who is a lawyer, will tell you, you can put an interpretation on nearly every statute, if you wish. He will tell you that lawyers do that every day. We had to use our best judgment under subsections (a) and (b), approved by treasury board, to proceed with these works. But, being an admirer of the tenders system, I thought that this was the time when we should—

Mr. Green: Do away with it?

Mr. Fournier (Hull):—allow the minister a subsection which would be clear enough to justify his decisions, and get the approval of hon. members of this house.

Mr. Hees: What an explanation! Wow!

Mr. Graydon: Now, Howard, what can you do with that one?

Mr. Howard C. Green (Vancouver-Quadra): Mr. Speaker—

Mr. Macdonnell (Greenwood): Sharpen your teeth now, Howard.

Mr. Hees: File them, Howard.

Mr. Green: My first remark must be one of congratulation to the minister upon the interesting exposition he has made of this bill. I am sure that seldom have members of the House of Commons heard a bill explained with such humour.

It was also gratifying to hear the minister say that the government, at last, is trying to reaffirm its faith in the tenders system.

Mr. Knowles: Pretty tender faith.

Mr. Green: There is no doubt that—

Mr. Macdonnell (Greenwood): "Reaffirm" is good, too.

Mr. Green:—the time has come for reaffirmation. But unfortunately this bill does not carry out all the hopes and promises contained in the remarks of the minister.

We of the official opposition feel that this bill is thoroughly bad, and should be defeated.

[Mr. Fournier (Hull).]

Mr. Macdonnell (Greenwood): Can't you put it stronger than that?

Mr. Green: Listening to the minister, one would think that this was an innocuous little bill which would further the cause of good government in Canada. But what it does, in fact, is to open the gates to no-tender contracts. It removes from the Public Works Act the ceiling placed there by parliament, the restriction parliament has placed on this procedure of awarding contracts without tenders.

I would ask hon. members to look at section 36 as it now stands. It begins in this way:

Whenever any works are to be executed under the direction of any department of the government—

And I point out that the section covers "any" department; not only the Department of Public Works.

—the minister having charge of such department—

So that this section applies to all the ministers. It is not restricted to the Department of Public Works or to the Minister of Public Works.

—shall invite tenders by public advertisement for the execution of such works, except in the cases—

And then the section goes on to list the exceptions. The important part of section 36, as it stands without the suggested amendment, is the part I have just read; because it lays down the rule that tenders must be called for any public work.

Then, to go on to the exceptions; at the present time the first exception is where there is:

—pressing emergency in which delay would be injurious to the public interest.

No one could quarrel with that exception, and it will be in the new section as set out in the bill. Then the second exception refers to cases:

—in which from the nature of the work it can be more expeditiously and economically executed by the officers and servants of the department.

Your Honour will notice that that exception refers only to the case where the particular department concerned has officers or employees who can do the work better than it could be done by having it let out by contract. There again, no one can quarrel with that exception.

In his explanation of the bill the Minister of Public Works has pointed out that these two exceptions are cramping his style. He says they have to be stretched a bit in order to let these contracts without tenders, and that therefore the time has come to give him more elbow room with regard to no-tender