

Emergency Powers Act

be dealt with; then when they are dealt with he conveniently closes his eyes and his ears, and goes along in a sort of blind folly pretending that the answer has never been given. The hon. member for Nanaimo dealt with the situation, and the hon. member for Eglinton gave the minister an answer earlier.

But if the minister is asking the hon. member for Kamloops to cite his authority on this question of emergency and apprehended war, then I ask him what does he say about the words of his colleague the Secretary of State for External Affairs, whose duty it is to know whether or not there is a state of apprehended war, and who says that all we have is a little police action in Korea. Why does he not ask his colleague for his authority for making that statement?

That is all I am suggesting. The minister has not dealt with the point at all. The minister has said nine times in the course of one speech—so often that we became weary with his repetition of it—that there is a state of emergency and apprehended war. But he is not telling us the grounds for his apprehension, and he is not telling us what war he apprehends. And at the same time his colleague the Secretary of State for External Affairs tells us that there is no war, that there is only police action. So we have a situation where, without being given any grounds, this parliament is being asked to continue the surrender of these powers to the executive, into whose hands I submit such powers should not be surrendered.

I suggest it is high time—more than time—that parliament put an end to this practice of the government of extending, inventing and multiplying the types of emergencies as it suits their convenience, for no purpose other than that of continuing emergency powers when, in fact, the national and international situation does not justify their continuation.

The Chairman: Are hon. members ready for the question?

Some hon. Members: Question.

Mr. Diefenbaker: No. If I correctly summarized the minister's words, the reason for this legislation is that the government wants power immediately available so that in a time of stress and strain, a time of emergency, the government will be able to act with unusual alacrity and speed.

That being so I wish to ask the minister some questions about the five orders in council passed during the last year. I would ask, first, how long the government gave consideration to that momentous question regarding the content of the five-cent piece. I am wondering whether that could not have been

dealt with under the prerogative exercised by the crown, without the use of emergency powers legislation on the statute books. At the moment I am only asking for information. How long was that very important question under consideration before the cabinet decided, "Well, this is an emergency matter; we will pass an order in council with respect to it." Because it would not appear to be closely connected with the troubles in Korea, in South Africa, in Morocco or Tunisia.

Mr. Garson: I am always glad to accommodate my hon. friend with an answer whenever I can; but I am afraid this is one of the occasions upon which I am unable to give an answer, because the matter with which this order in council was concerned does not arise in my department. As my hon. friend has indicated, it is not a matter of the gravest importance. It would come before the cabinet along with a number of other matters, and be disposed of in due course.

I am sure I cannot recall how long it took to consider it. Perhaps the hon. member means to ask how long it was considered in the department; is that correct?

Mr. Diefenbaker: No; I am wondering why this very unusual act should have been used for such a momentous matter as the five-cent piece?

Mr. Garson: I think my hon. friend, as a lawyer, would agree that the Emergency Powers Act would give power to pass an order in council of this kind. It may be that the other point my hon. friend took, that it could have been dealt with under the general powers of the executive, is also true. But I do not think either of those two legal points has any substantial bearing upon whether the present legislation should be extended. The fact that it was used for what my hon. friend may regard as a relatively trivial purpose, shall I say, does not by any means get away from the fact that during a time of world emergency it is necessary to have emergency powers. The only real question with which we are concerned here is as to whether those powers shall be the very wide ones under the War Measures Act or the more limited ones under the Emergency Powers Act.

Mr. Diefenbaker: After all, the government is asking for power. We have not had much of an explanation regarding the five-cent piece. That is 20 per cent of the use made of the act last year. Apparently it was not of such a pressing nature as to have required the abdication by parliament of its rights. Now I come to the other portion, the revocation of two orders in council.