

*Foreign Exchange Control*

Mr. DIEFENBAKER: Naturally I would not concede that, because this is the high water mark that is before parliament now.

Mr. MACKENZIE: You cannot have it both ways.

The CHAIRMAN: The hon. member for Lake Centre has answered the question of the Minister of Veterans Affairs. May I remind hon. members of the committee that a discussion of the powers of some other board is not relevant to the discussion here. We do not know what powers are given to other boards. The committee is considering the regulations as set forth in section 35. I would ask all hon. members to make their discussion strictly relevant to this section.

Mr. DIEFENBAKER: Mr. Chairman, I am trying hard to keep on the track, but my hon. friend is endeavouring to get me away from my argument. Where was parliament asked before, under the marketing act referred to by my hon. friend or anywhere else, to give to a board the power to say that no matter what is in a statute it can be changed by the board? Never before was parliament asked, first to define what a resident means, and then to give a board the power, indicated by (d) of section 35:

(d) prescribing that persons who would otherwise be residents shall be deemed to be non-residents.

Can you understand that? I have heard that parliament is all-powerful, that it can do everything but make a man a woman; yet here parliament is to give to a board the power to declare a non-resident a resident, or a resident a non-resident. That is what this section says. It places in the hands of the board, untrammelled and uncontrolled, the right to determine as between individuals and to discriminate in favour of one at the expense of the other.

You may say: If there are safeguards, then what is the harm? If we pass this section in its present form, what is the right? Is there a right of appeal? Can a person aggrieved secure his rights by showing that the board has gone beyond its powers? No, not under this legislation. There is no appeal; there is no control against the rulings made under this section.

Mr. ABBOTT: There is an appeal under section 37.

Mr. DIEFENBAKER: Oh, yes, an appeal, but to the minister—from the hired man to the boss. That is the very thing that has been asked for in the United Kingdom from 1932 on, from the time a report was made to parliament in that regard.

[Mr. Mackenzie.]

Mr. MACKENZIE: There was no appeal under the marketing act.

Mr. DIEFENBAKER: Apparently the only act my hon. friend has ever heard about is the marketing act. I have that act here, and I will deal with it if you will permit me, Mr. Chairman.

The CHAIRMAN: The only way it could be dealt with would be to show that the regulations under that act were exactly the same as the regulations under this act. I did not interrupt the hon. member for Lake Centre when he was answering the question; it was only after he had answered it that I drew the attention of the committee to the fact that we are dealing with the powers of the board under his bill.

Mr. BRACKEN: Why did you not stop the minister?

The CHAIRMAN: I thought it was only fair to allow the hon. member for Lake Centre to answer.

Mr. DIEFENBAKER: Unfortunately I have not got to the answer yet; when I start to give the answer, my hon. friend does not want it. I have the act before me, and the powers of that board were strictly limited to the provisions of the Natural Products Marketing Act. This bill does not limit the powers of the board to make regulations within the act; it gives power to the board to make regulations outside the act, beyond the act, in spite of the act, and contrary to the act. Those are the material differences between the two pieces of legislation.

My hon. friend says: Oh yes, there is an appeal; and he refers me to section 37. Yes, there is an appeal to the minister from decisions made by a board appointed on the recommendation of the minister to carry out an act administered by the minister. In other words, except for the appeal on the question of the amount in dispute under section 38, however arbitrarily the board may act, however unjustifiably or tyrannically its inspectors may act it is futile to go to court against them because the board will be fortified by a defence that has never before been incorporated in a Canadian statute in a time of peace. I do not understand this section 54 to which my hon. friend referred the other night. I am showing what the powers of the board will be. Suppose I am interfered with unfairly, that my rights are infringed, my privileges destroyed, and I appeal to the minister. Well, he will say, what can I do? Change the order? Would he do that, he himself having appointed the board or being responsible for it?