

*Canada—U.S. Automotive Agreement*

opportunity for parliament to consider the matter but that opportunity was not brought forward by the government; it was seized by the opposition.

• (1:10 p.m.)

The leader of the New Democratic Party moved an amendment to a supply motion in order to deal with the subject, and questions, of course, were raised from time to time from this side of the house. But the actual agreement was not brought forward to us for ratification. Yet it is strange that on May 10 of 1965 the Minister of Industry said, as found on page 1126 of *Hansard*:

The measures on the Canadian side were brought into operation by order in council in January of this year. The agreement itself will come into full operation on both sides of the border as soon as Congress has enacted duty free entry into the United States and the resolution presented to parliament has been approved by the Canadian parliament.

That was in May, 1965. This is now May, 1966. One year later the resolution is placed before us. As recorded on page 1125 the minister had already said on the same occasion:

There has never been any intention on the part of the government to sign, implement, ratify, or consummate a treaty without first seeking the approval of parliament, accompanied by an appropriate debate and on opportunity for the expression of opinions.

I suggest, sir, that those statements of the minister scarcely accord with the facts. This agreement was made known to the house in January, 1965. It should have been debated immediately. It should have been settled by the house one way or another before it became operative. But parliament was bypassed. Now, almost a year and a half later, parliament is asked to validate this agreement. Parliament is asked to be a rubber-stamp for executive action. This places parliament in a very awkward situation indeed. I find it rather disturbing.

I notice that when the Minister of Transport was dealing with the point of order raised last night he said, as found on page 4781 of *Hansard*:

We all know that under the strict interpretation of the constitution these agreements are ratified by the Crown and they do not in fact require—though it is a constitutional practice—to ask for approval of the house.

Then he went on to say:

If what has become a constitutional practice is followed, the agreement would not be ratified by any future government without the consent of the house, if it came forward again. If the ordinary

[Mr. Churchill.]

constitutional practice which we now have is followed, any agreement of this sort is brought by the government to both houses before there is ratification.

This has not happened. The constitutional practice has not been followed. This agreement was not ratified with the United States after parliament had approved it but before. Therefore you have a break with constitutional practice which I think should be very carefully examined by parliament. I think that the other house, if it is not too burdened with duties, might very well examine the encroachment on the rights of parliament by the executive. It is my belief that the power of the executive in this country is increasing. In the famous words of the past, it has increased, is increasing and ought to be diminished.

**Mr. Bell (Carleton):** Hear, hear.

**Mr. Churchill:** This is a first class example how the power of the executive has been used to derogate the rights of parliament, which runs quite contrary to the history of our country.

Prime Minister Mackenzie King was frequently heard to speak about the supremacy of parliament. He frequently raised objections, as have other hon. members of the house from time to time, against the encroachments of executive power. When he was prime minister he put before parliament in June, 1926, a treaty or international agreement which he wanted ratified by the house. He was very careful to indicate that parliamentary approval was essential. On page 4762 of *Hansard* for 1926 he used these words:

The present government by this resolution is asking parliament to approve of a course of procedure which will involve with respect to treaties, involving military and economic sanctions, the approval of parliament before the government of the day agrees to any obligation implied in the treaty being undertaken in the name of the country.

That was sound doctrine in 1926. It is sound doctrine for today.

On page 4767, during the course of the same debate, Mr. Cahan, the then member for St. Lawrence-St. George, speaking on behalf of the opposition used these words:

I understand that the duly authorized representatives of the Canadian government may, in accordance with its terms, properly sign treaties or conventions on behalf of Canada without having received the prior authority of the parliament of Canada to do so—