

Emergency Powers Act

Mr. Fournier (Hull): The government never gave that assurance.

Mr. Garson: And the Leader of the Opposition knows that perfectly well.

Mr. Drew: Mr. Speaker, that was the reason that was given on behalf of the government as a reason for putting this measure forward. It was stated on behalf of the government that this would be stand-by power so that they could deal with this extremely important question; and on many occasions—

Mr. Fournier (Hull): That is not an assurance.

Mr. Drew:—and by different members of the government that was stated.

Mr. Speaker, the fact is that the only supportable reason why emergency powers of that kind could properly have been adopted on that occasion was the argument put forward by the government; and the very words that I have read from the *Hansard* of that day indicate quite clearly that what was in our minds on that occasion was the statement of the government that they were going to employ this measure for the purpose of dealing with inflation by some type of controlling measures under this act. That is perfectly clear. The fact is that if it was not their intention, then, in so far as we may accord some freedom of judgment on the part of the hon. members of this house on the other side, this bill was passed under false pretences; because the argument that was put forward long before the time it was discussed in this house was an argument which indicated that the government proposed to deal with the dangers that were in everybody's mind at that time because of the pressure imposed by the dual demands on our economy of defence and peace requirements.

The Minister of Justice has, with his customary graciousness, referred to my concept of history and has, with his customary accuracy, pointed out the fundamental difference between what is now before us and what was in issue at the time of Charles. He tells us that the expenditure of money, which was very much in the minds of those who were discussing constitutional issues in the time of Charles, is removed from consideration here. But the Minister of Justice forgets the act that he is supporting and forgets the exception in that act.

Mr. Garson: Oh, oh.

Mr. Drew: Because in section 2, subsection 2, paragraph (c), we find that the third of the general exceptions provides that the

[Mr. Drew.]

power conferred on the government does not include power to make orders in relation to:

(c) expenditure of moneys otherwise than in accordance with an appropriation by parliament—

And these are the important words:

—except expenditure of moneys from any fund or account established by order or regulation in connection with a scheme of control for the purposes of that scheme of control.

Mr. Speaker, that exception makes it possible for the government to deal with almost any plan it seeks to put into effect, because it could put into effect a plan of general control which would embrace any particular part of our economy and then proceed to allocate money without coming back to parliament for approval of one cent of that advance. I wish to make it quite clear that I am not suggesting for one moment that at some subsequent time the government would not have to come back to parliament and place that item before parliament. But that would be too late for parliament to exercise its fundamental and primary power to advance moneys at all and to control the expenditures before they are made.

Then we have heard a lot about arrest and the extent to which the government has gone to deny this power of arrest in the act now before us. But there again we have a joker and a very powerful joker indeed, because the exception in this case is to be found in section 2, subsection 2(a). There we find that the subject matter excepted from the power of the government to pass orders in council or regulations under this act is as follows:

Arrest, except as incidental to proceedings under section three, detention, exclusion, or deportation of any person.

Now, arrest; that is the word which the Minister of Justice emphasizes. The exception in regard to arrest to arrest except as incidental to proceedings under section 3, and section 3 reads:

—and regulations made under or pursuant to authority conferred under this act have the force of law while this act is in force.

In other words, this act may make orders in relation to any of the daily activities of our people, and having made that order, it has the force of law, and if there is a breach of that law, then there can be arrest in relation to that law under the very section to which the minister has referred with such emphasis.

This act is an act which extends once again emergency powers that were supposed to be granted for a particular purpose and at a particular time. It was pointed out at the time this act came before us that there was danger that it was not just going to be for two years, but that it would be extended