

various places in a statute. I am sure if we had done it in any other way there would have been far more serious and more far-reaching objections than are being made at the present time. There would have been wide objections.

Mr. DIEFENBAKER: I should like to know what those wide objections would be. Can the minister suggest what objection could be taken to empowering the corporation under section 4, the section which sets out the powers, to do these things for which he now asks?

Mr. CLAXTON: I should like to ask my hon. friend or any other member in the committee what possible advantage there is in putting the powers in section 4 rather than in section 17. Let me tell him the reason why it is preferable to put them in section 17 rather than in section 4.

Mr. DIEFENBAKER: Yes?

Mr. CLAXTON: In the first place, that would require the reenactment, following our practice, of all of section 4. It would require the replacement of the whole article. That is the way it is done. When any word in a paragraph of an article is amended, the whole article is replaced. That would then mean that should this section have to be changed later, and should our experience not be such as it is expected it will be, the whole section would have to be replaced again. Instead of that, because purchasing is a major function of the Canadian Commercial Corporation though by no means the only function, it was considered desirable to put it in a separate part, so that the two main functions of the Canadian Commercial Corporation would each be dealt with in separate parts, could stand on their own feet and could be amended or repealed later as developments might suggest.

Mr. McMASTER: It seems to me that the draftsmanship leaves something to be desired. I should like to read the section, always bearing in mind that the minister spoken of is the Minister of Trade and Commerce. It states:

The corporation may, as directed by the minister, exercise and perform on behalf of the minister, the power, duty and function vested in the minister to buy or otherwise acquire and manufacture or otherwise produce munitions of war or supplies for, and to construct or carry out projects required by, the Department of National Defence.

The powers given in this act are given to the Minister of Trade and Commerce. I should think that if supply were voted for any of the projects mentioned, that supply must be voted to the Minister of Trade and

[Mr. Claxton.]

Commerce, not to the Minister of National Defence. The Minister of Trade and Commerce gets his power to do this upon being required so to do by the Minister of National Defence. I agree with what the minister has said about this corporation acting only as an agent, rather than in its own capacity. But surely the Minister of Trade and Commerce must be given power somewhere to do the things he asks his agent to do.

Mr. CLAXTON: He is given it under the Department of Reconstruction and Supply Act.

Mr. McMASTER: I understand it is under an order in council?

Mr. CLAXTON: It is under that act, and still is.

Mr. McMASTER: What is the number of it?

Mr. MacKINNON: It is chapter 16 of the Statutes of Canada for 1945.

Mr. DIEFENBAKER: Now we are getting down to the position where an explanation has been given as to why section 17 has been appended, instead of the powers being set forth in section 4. If I understood correctly, the reason given by the minister is that certain powers are granted to the Minister of Trade and Commerce under orders in council, and those powers the minister says he will not exercise, but that he will direct that they be exercised by the Canadian Commercial Corporation, which has not the power to do that which the minister purports the act empowers it to do. Supposing tomorrow another order in council is passed—

Mr. BERTRAND (Laurier): But the power is given by this special amendment.

Mr. DIEFENBAKER: The Postmaster General has the section before him and he will note that it reads:

The corporation may, as directed by the minister, exercise and perform on behalf of the minister, the power, duty and function vested in the minister . . .

And so on. If tomorrow the Minister of Reconstruction and Supply has another order in council passed giving further powers to the minister, will he be permitted to exercise those powers through the agency of this corporation?

Mr. BERTRAND (Laurier): If it falls within one of the sections of this act.

Mr. DIEFENBAKER: Exactly; the Postmaster General has caught the point which his two colleagues were not able to get. I thank the Postmaster General for his cogent answer, because I have not been able to bring that home to his two colleagues.