

*Defence Production Act*

Inquiries Act or which may be conferred on commissioners under subsection (1) of section 11 thereof.

(3) An investigator may allow any person whose conduct is being investigated under this act, and shall allow any person against whom a charge is made in the course of such inquiry, to be represented by counsel.

The words as to counsel are exactly the same, yet we had this terrible attack upon the government because a man could be investigated, and while the investigation is going on and before any charge is brought against him he is not to be allowed to speak through counsel. I suggest that if that is so terrible it is a strange thing that this same provision should have been in the Inquiries Act for so long. It is not a new principle. The hon. member for Prince Albert has been a lawyer long enough to know that. If everyone had the right to refuse to answer questions except through counsel the chances of conducting investigations would be very poor. But it is provided that when a charge is going to be laid the person shall have the right to retain counsel. That is one of the fundamental principles of British administration of justice.

A coroner may call persons and examine them and ask them questions as to how certain things happened. I do not think the hon. member for Prince Albert would get very far if he took the attitude that anyone called before a coroner would have the right to speak only through counsel. Obviously the state must have the right to investigate these matters. The British system protects the citizen by providing that nobody shall be accused and put in jeopardy without a chance to have counsel advise him. That right is fully preserved in this act, the same as it is in the Inquiries Act.

Hon. members opposite seem to object to the right to mobilize the industrial facilities of the country in the event it is found necessary to do so. Surely hon. members opposite will not say that it is not a good thing for the government to have that power with the threat of a world war under which we live today. Whether that power is adequately or properly exercised is something for which this parliament can hold the government to account, but surely in the world of today the government should have the right if necessary to mobilize the industrial and economic set-up of the country, to require returns to be made so there may be a check of how defence requirements are being met and whether exorbitant profits are being made. Section 19 of the act reads:

No person is entitled to damages, compensation or other allowance for loss of profit, direct or indirect, arising out of the rescission or termination of a defence contract at any time before it is

[Mr. Tucker.]

fully performed if it is rescinded or terminated pursuant to a power contained in the contract or pursuant to a power conferred by or under an act of the parliament of Canada.

I ask hon. members of the opposition what is wrong with that. If I enter into a contract with the government of Canada to provide them with supplies and it is provided that the government has the right to rescind or terminate the contract, that being one of the terms of the contract, why should I ask for damages if the government exercises its powers under the contract? Then it goes on to provide that if the contract is terminated by an act of parliament there shall be no damages. People who enter into these contracts know the government has the power by law to terminate. If through a change in the international situation it is not necessary to spend the millions of dollars involved in defence contracts, surely the government should have the right to terminate them.

Is it not right to put it in the act that the government shall have that power? Then if the contract is terminated the person has no complaint, because he then would know it was the law that it could be terminated and it would be something he took into consideration when he entered into the contract. Why is there anything wrong with that? Is it not just a matter of protecting the interests of the country? I cannot imagine the opposition actually being opposed to that.

**Mr. Fleming:** Who has expressed opposition to that?

**Mr. Tucker:** It seemed to me it was being said that the government was asking for dictatorial power. I am running over some of these powers that have been so referred to.

**Mr. Fleming:** Pick out the sections conferring the powers.

**Mr. Howe (Port Arthur):** Make your own speech.

**Mr. Tucker:** Another section with which fault was found was that giving the right to make orders appointing controllers, establishing the circumstances under which the government could have the right to appoint a controller. I suggest that under the present circumstances every democratic country in the world that has the same system of government as ours has vested that right in the government. It certainly exists in the government of the United States; it certainly exists in the government of the United Kingdom, and I believe it exists in the governments of Australia and New Zealand. That is the right to appoint a controller of some industry if a crisis should develop under present world circumstances. I wonder if the opposition think the government should not have that