

*Agricultural Products Act*

are the protectors of the Canadian constitution and the Canadian people in that regard.

Now would the hon. member for Lake Centre like to ask his question?

**Mr. Diefenbaker:** My question is simply this. Is the Minister of Justice enunciating the principle that parliament has no responsibility; that all it should do is pass legislation having a desirable end in view, irrespective of whether or not it is constitutional, waiting for the courts ultimately to determine the question of legality?

**Mr. Garson:** No.

**Mr. Diefenbaker:** That is the doctrine of dictatorship.

**Mr. Garson:** When my hon. friend finishes his question and his speech I shall be glad to answer it. No; the Minister of Justice is not enunciating what my hon. friend described as the doctrine of dictatorship. He is enunciating no such thing. He is not even giving a legal opinion, which by the rules of this house he is prohibited from giving as Minister of Justice. He is merely discussing some of the A B C's of constitutional law with which it might be presumed the hon. member for Lake Centre would be familiar. He is saying that when a bill is presented to this house by any government, or any private member for that matter, the sponsor has a measure of responsibility to see to it that the attention of hon. members is not taken up with a matter that is unconstitutional to begin with, or that should not come before parliament. But having examined the law, as should be done in every case, to see that the procedure being followed and the material being submitted to the house is in accordance with the decisions of the courts, and having then submitted the bill to the house, I think he has discharged his responsibility, whether it be in the case of a government or the case of a private member. Then if members, acting in good faith and carrying out their legal ideas, as in the case of the hon. member for Eglinton and the hon. member for Lake Centre—however adequate or inadequate they may be—want to oppose it upon constitutional grounds that are unsound in the light of decisions of the courts, that may be a mistaken but conscientious reason for their opposing it. But after that bill has become law there is one place under our constitution, and only one, where it can be decided whether or not parliament has acted within its power and has produced a valid statute, or whether it has gone beyond its power and produced a void statute, and that place is the courts of law.

[Mr. Garson.]

**Mr. H. R. Argue (Wood Mountain):** Mr. Speaker, I do not intend to discuss the constitutional angle of this question. If the farmers concerned, particularly from western Canada, were sitting in on the debates this morning I think they would be dismayed to see that the discussion has centred around the question whether this legislation is technically within the constitution instead of the question whether it is in the interests of the farmers.

As I understand this resolution, it is to provide for the continuation of the Agricultural Products Act, which is the method adopted by the government to carry out its contracts with Britain. There is no doubt that these contracts are important to Canadian agriculture. Our farm products were sold under contract during the war. Farmers were asked by the government to produce vast quantities of bacon, cheese and eggs, in order to feed the people of Great Britain. During the war years the government said to Canadian farmers: Increase your production of these commodities; increase your shipments to the British market, and we will see to it that your position in that market is retained when peace comes. So Canadian agriculture looked to this government to take adequate steps to see that the British market for Canadian farm products would continue, and would provide farmers with a stable income.

The history of the government's agricultural contracts is not good. Through his policies the Minister of Agriculture (Mr. Gardiner) has placed obstacles before our farmers so they have not been able to produce the quantities necessary to fulfil the contracts. The minister should have given the farmers proper agreements with adequate prices, and should have assured the farmers that these agreements would be carried on, not merely from one year to another but for a period of years.

The minister has made many statements in this house from time to time. He has made many contradictory statements. If you give the Minister of Agriculture one or two years, he will contradict almost anything he says in any given year. For instance, in 1946, when the minister was telling us that the 1947 contract for bacon would be reduced, he had this to say—and I quote from page 4779 of *Hansard*:

Under the contract entered into,—

meaning 1947.

—we have agreed to a reduction in the quantity that we are required to deliver to at least 350 million pounds. In 1948 we have agreed to attempt to deliver 400 million pounds. In other words we believe that we can increase deliveries in 1948 over the deliveries in 1947 and therefore we have entered into a contract under which we agree to deliver a greater quantity in 1948 than in 1947.