

Defence Production Act

Measures Act there would be legislation, perhaps by order in council, that would have substantially the same effect. In other words, during world war II, under the War Measures Act, wartime prices and trade board regulations were enacted by order in council, and such orders in council would have provisions analogous to the ones we are discussing; and that proved to be quite satisfactory. I believe the proper course for us to follow, therefore, is to consult with the draftsman to see whether the points my hon. friends have raised are not already covered as the section stands, and if not, what would be the appropriate action to take to provide the protection my hon. friends request.

The Deputy Chairman: Shall the section pass?

Mr. Howe: Carried.

Mr. Green: The section stands. The section cannot be carried if we are to have further time to consider it.

The Deputy Chairman: Will hon. members speak a little louder. It is difficult to hear what is being said. I would also ask that members who are making interjections make them loudly enough to enable the *Hansard* reporter to hear them.

Shall section 36 stand?

Mr. Garson: I think we might pass section 36, and then if an amendment is brought in it will relate to the matter of crown liability in any event.

Mr. Green: There are two other sections standing now, and I do not think it would hurt to allow this one to stand.

Mr. Howe: We are going to take those sections and pass them. This is the third or fourth day we have been on this bill. We have spent enough time. We have been very patient.

Mr. Green: May I point out to the Minister of Trade and Commerce that he is not yet in a position to say we have spent enough time on any measure. He is not a dictator who decides how much time this house spends on a measure. I do not want to get into a quarrel with him, but I am sure he will agree with me when I say that is a very improper suggestion to make. We are doing our best to get this legislation into the form which we think is fairest to the Canadian people. No one is trying to hold up the bill. We are trying to get it in the best shape possible. If we are to be met with the statement from the senior minister of the crown that there has been enough time spent on this, what is parliamentary government coming to in this country?

[Mr. Garson.]

Mr. Howe: What does majority rule mean if that is the case, if one member can hold up the house?

Mr. Fournier (Hull): Question.

Mr. Fulton: The minister has asked for power to control our economy for five years. We have not yet spent five days on the bill giving it to him, and he thinks we have spent too much time. Surely, section 36, which the Minister of Justice has said could be referred to the draftsman to see if the points under discussion had been covered, could be allowed to stand until the minister has had time to consult with the draftsman. We have certain very strong views on the provisions of that section. We have amendments which we contemplated moving, but in deference to the minister's indication of his intention we would prefer not to move those amendments but leave it to be decided in the way he has suggested. We do ask for the accommodation of allowing the section to stand.

Mr. Garson: I do not want to labour this point too much, but I think my hon. friends will agree that they are of the opinion that clause 36 which we have been discussing is properly in the bill; that is, that it is desirable that an investigator or controller be protected against personal liability. The only question that they raise is whether or not the effect of protecting the controller and investigator is to protect the crown. They do not want to see that result obtained. If we pass this section it will not prevent our bringing back an amendment to some appropriate section of the bill to accomplish what they have in mind.

Mr. Green: Any amendment will affect this section. Surely we are not asked to pass a section, and then if the minister later brings in an amendment to some other section covering the matter we will be precluded from discussing this particular section. The proper way to do this is to allow the section to stand, as the other two sections were allowed to stand. I believe the Minister of Justice knows that just as well as I do.

Mr. White (Hastings-Peterborough): May I ask the minister a question? Does the minister make the decision as to whether or not a controller or investigator acted in good faith? If the answer is that the minister makes the decision, does that mean there is no possible way that decision can be brought before any court?

Mr. Howe: My hon. friend is a lawyer and I am not. What does he think the answer is?

Mr. White (Hastings-Peterborough): I asked the minister two questions. First, whether he decides the investigator acted in good