

Emergency Powers Act

Mr. Speaker: I might just stop the hon. member there and say that I thought he had quoted quite extensively from the other act.

Mr. Macdonnell (Greenwood): I wish to make only one further reference and I shall put this act away. I point out that there is embodied in the Defence Production Act what was formerly called the essential materials act, under which additional wide powers are given. I will say no more about that matter.

There is, of course, the "offences" section about which I wish to say a word. It is a section which I suppose governments must always have, with the ugly word "guilty", and appropriate punishments are provided.

All these powers were given by parliament to enable the urgent problem of defence to be dealt with. I have just stated the real purpose for which they were given. I defy anyone who will read the Defence Production Act to suggest any power which is lacking to carry out defence measures—short of the case of the great emergency which would bring in the War Measures Act—under the Defence Production Act, of which we have all approved and under which we have given these wide powers to the Minister of Defence Production (Mr. Howe). He is very good at getting powers and we are very good at giving them to him, but it should not become a universal habit.

There is another thing I should like to mention. We are now eight years from the war. One would have thought that the time had come when transitional emergency powers might be at an end. If we extend them this year it seems to me we are almost slipping into the situation to which the Leader of the Opposition (Mr. Drew) referred earlier, we are almost recognizing them as the normal accompaniment of the situation in which we are now and which is likely to continue for a good many years. In other words, if we are willing to let them go through this year it would be much more competent for the government to say next year, "You did it last year, why don't you do it again now?"

I want to say a word about the original speech delivered by the Minister of Justice (Mr. Garson), in which he gave the reasons for the passage of this act. I must say, with deference to him, that I did not think he gave us many reasons which were very effective. It was a long speech. I did not count the words, but it looked to me like several thousand. I did not find any very convincing reasons. He did one thing which surprised me. He laid great stress on the fact that the orders in council would be tabled in parliament. Well, does the minister think

there is much significance in that? Does the minister think that when these things come to parliament as *faits accomplis* the opposition is going to be able to do anything about them? It is really secret legislation.

Mr. Garson: That is up to the opposition.

Mr. Macdonnell (Greenwood): It is secret legislation passed without discussion and without the public having any knowledge of what is happening. Surely the minister does not seriously ask us to think it is much help when, some time later, these orders in council are tabled. I wonder if there is any case on record in any democratic assembly, in which the government has a substantial majority, where the action of the government was voided? In other words, it seems to me it is just the old business of locking the door after the horse is stolen, except that we would not even be able to lock the door. We would just know that the horse was stolen. As I say, I find it difficult to believe that the minister was serious about that.

The minister and the hon. member for Eglinton (Mr. Fleming) have spoken already about the War Measures Act and this act. I must say the words are extraordinarily similar. I appreciate the differences as set out by the minister; nevertheless there is a broad similarity. Both acts start with words that are so familiar in any act with broad powers:

The governor in council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existing international emergency deem necessary . . .

I am not going on with that. The powers are broad, and if I may say so the minister seemed to go back again and again to the idea that we should give him great credit because the government refrains from invoking the full powers of the War Measures Act but is taking this instalment instead. My argument is that it does not need either. The Defence Production Act gives ample powers, and if a real emergency comes the War Measures Act is there. We do not need this in-between measure at all.

At page 2093 of *Hansard* for February 19, 1953, the minister went over the orders in council that were passed, and they were trivial enough, as he said. Most of them were repealing previous ones. There was nothing of substance there. I think the minister will admit that. Indeed, one of the great arguments the minister makes is that the government has done really very little so there is nothing to worry about, but it is desirable nevertheless to have these powers.

[Mr. Macdonnell (Greenwood).]