

Emergency Powers Act

its weaknesses all along the line in dealing with powers conferred upon them in this way.

We have this resolution before us; we are asked to declare that it is expedient that emergency legislation of this kind should be re-enacted. Not one argument has been placed before us to demonstrate why it is expedient. Not one illustration of any kind has been submitted to the members of this house to indicate why the government needs this emergency legislation, and could not deal with any situation that might arise by the ordinary processes of parliament. Let the government suggest a condition which could not be dealt with satisfactorily by the members of parliament while parliament is in session or a parliament quickly reconvened, as it has been under other circumstances. Let them illustrate to us the kind of circumstances which they say demand emergency legislation of this kind to be continued.

It has been pointed out to us how unimportant the things were that were done. We point out, and it cannot be denied, that the things that were done last year did not need this legislation at all. Before we are asked to deal with this—and my words are directed to the Liberal members of this house—as representatives of the people let us have some explanation of why we are delegating our responsibilities here in parliament. Let them give us some reason. I would hope the Liberal members would ask for that, even at this stage of the debate. Let us have some reason why the executive should be given these wide powers, no matter how little it is intending to exercise them.

In view of the cogent arguments that were put forward by the hon. member for Lake Centre, the hon. member for Vancouver-Quadra, the hon. member for Eglinton, the hon. member for Winnipeg South Centre and other hon. members in this house. I earnestly hope the Minister of Justice will finally deal with this matter in a way that is in keeping with the request that is now before the house, that we declare it is expedient that we confer upon the government powers never contemplated under our constitutional system.

Mr. Blackmore: Just to clarify this whole situation in our minds, I should like to ask a question of the Minister of Justice or the Prime Minister, whichever one feels disposed to answer. Suppose there had been an act comparable with this act which is now proposed. Suppose it had been passed in the early part of 1939 and it then became necessary to go to war with Hitler. Would the

[Mr. Drew.]

government have called a session of parliament to declare war or would it have declared war under the powers conferred upon it by the Emergency Powers Act?

Mr. Garson: Mr. Chairman, I have not been a member of this government at any time during which it has been necessary to declare war, but my understanding has always been that a declaration of war is not made by our country until the matter has been submitted to parliament.

Mr. MacInnis: Mention was made of an order in council passed under this act but which has not been laid before this house. Are there any such orders in council? If so, how many are there?

Mr. St. Laurent: There is one about which, when it was passed, information was conveyed to the leaders of the three groups in the house. There is only one.

Mr. MacInnis: Was the order brought to the attention of parliament as laid down in this act? If not, why not?

Mr. St. Laurent: The exempting order was brought to the attention of parliament. Because it was an order dealing with security, the information about it was given to the three leaders; and it was explained to them how the matter was being handled.

Mr. Drew: I wish to leave no doubt about the fact that I do not know how the powers under that order are being exercised. In so far as an order of this kind is concerned, I repeat what I said before. While it was indicated to me after it had been passed—and I emphasize that point—we were not consulted in regard to it. We were informed after it had been passed. I wish to make it quite clear that while I know the nature of the order—and having regard to the circumstances under which the nature of that order was indicated to me I do not feel myself at liberty to say anything more about what that order is—I say with the utmost emphasis that I do not agree that this or any other government under our system should be permitted to pass an order and exempt it from publication unless there is an act clearly determining exactly the kind of order that can be made in that way, in regard to security or any other matter of that kind.

Mr. MacInnis: The Leader of the Opposition says that he has been informed of the order but that he was not consulted. I do not think there is anything in the act which provides that members of parliament, whether they be leaders or otherwise, have to be consulted before an order is made. But there is a provision that the order must be tabled in this house after it is made. If an order