

Emergency Powers Act

In 1945 when the first legislation was introduced—and I have here the debates at the time—the promise inherent in the remarks then made was, “This is but temporary; after all, you are only giving up the powers for a year or so.” The year from 1945 to 1946 has been continued until it is now eight years. As far as the present generation is concerned the temporariness of 1945 has become permanency.

That is why, if these powers are not to be used—as the minister indicates they have not been used—except to meet the examples that he sets forth of box cars, invasions and elections, surely the justification for the passage of this legislation in 1951—which the Prime Minister over and over again indicated was to be granted so the governor in council would be able to meet inflation in particular and guard the savings of Canadians against rising prices—has now disappeared. The statements of 1951 as to the reasons for this legislation are no longer applicable except that the same inflation is here, the only difference being that a new index has been established with respect to prices, which index has removed some of the wrinkles and indicates a lower index figure.

Is there any reason why parliament should abdicate its rights to legislate, examine and consider, when the government says that the only use it has made of this legislation in the past several years has been to pass five orders in council, two to repeal previous ones, two to deal with shipping and one with the content of the nickel. I know, Mr. Chairman, that a five-cent piece once created an emergency in this country, but we do not expect a repetition of that situation. There certainly was no reason why this legislation should have been passed or why it should have been relied upon in order to permit the amendment to change the nickel content of a five-cent piece. Surely that matter could have waited until parliament was convened.

Having regard to the lack of need for this legislation and for the powers asked for, I therefore suggest that the time has come for parliament to take its stand and once more to assert its sovereignty and its right to have legislation passed in parliament rather than in the secrecy of the council chamber by the governor in council. Parliament should pass the laws that affect individuals. Certainly parliament should not voluntarily give up its right to examination and criticism of legislation.

I know it would have been much better, and I am sure the Minister of Justice would have been much happier, if he could have passed this legislation by order in council. If he had been able to do that it would have saved all

this argument. But that is what parliament is for; to examine, to criticize, to suggest and sometimes to oppose. I am not one of those who believe in Tierney's definition, and I am glad my hon. friend approves of this. Tierney once said that the duty of an opposition is to propose nothing, to oppose everything and to turn out the government at the next election. I agree with the last of Tierney's definitions.

Mr. Fleming: It has been interesting to hear the Minister of Justice this afternoon assail persons outside this house, and if one may follow him, persons in the house, who he says have been responsible for misrepresentation of the purport of the legislation under consideration. And not satisfied to point out what he considers to be differences between his interpretation and that placed upon his legislation by other members of this house and by competent editors outside the house, he chooses to label those views with which he is not in accord as slander. First of all it was slander of the law. Then it was slander of parliament.

What kind of talk is this coming from the Minister of Justice? Perhaps some of the chickens are coming home to roost now, Mr. Chairman. They are coming home to roost in the neighbourhood of the Minister of Justice, because if anybody in this house in the course of this debate, which has been carried on at intervals for several days, has misrepresented the position of those who were not in agreement with him, it is the same Minister of Justice.

It will not be forgotten, I trust, Mr. Chairman, quite so soon as this that when this matter was first under debate in this house on February 10 the Minister of Justice undertook to make the categorical assertion, first of all, that the measure itself had not been opposed by the opposition in 1951, and that the extension of this measure for another year had not been opposed by the opposition in 1952. He made the bald assertion that this measure had gone through on both occasions unopposed. That, Mr. Chairman, was an assertion directly in the teeth of the facts. So if anybody in this house should be talking about misrepresentation, I suggest to the Minister of Justice that he examine his own statements and his own record in this matter, and there he will find much. And before he undertakes to pluck the mote from his brother's eye perhaps he will be kept very busy wrestling with the beam in his own.

Now, sir, what happened on these previous occasions? What were the facts—not the version of the Minister of Justice at all? The truth of the matter is that when this matter came up in 1951 there was a debate