

Public Works Act

am afraid this change is merely another symptom of the cabinet disease which caused the Minister of Trade and Commerce (Mr. Howe) a year or two ago to say: "Oh, what's a million dollars?"

Mr. Lennard: And also: "Who will stop us now?"

Mr. Green: Yes. At the last session he said: "If we wanted to get away with it, who would stop us?" We in the official opposition do not believe there should be any relaxation in the provision that public works must be constructed on a tender basis. We believe that retaining the tender system and, in fact, strengthening it is in the public interest, and that it should be a basic principle in conducting government business that tenders will be called for in the construction of government works.

Mr. M. J. Coldwell (Rosetown-Biggart): Mr. Speaker, I am bound to say that we support the viewpoint put forward by the hon. member for Vancouver-Quadra (Mr. Green). No matter how much confidence we may have in a minister of the government—and I have no reason to have anything but confidence in the present Minister of Public Works (Mr. Fournier)—I think we should not pass this bill. As the hon. member for Vancouver-Quadra has properly pointed out, the only safeguard this house has that contracts will be let in a proper manner is the provision that tenders will be called. As to this departure, I cannot recollect a similar instance during my term in the House of Commons. If the house permits this bill to pass, I think we shall be doing something the house will regret and maybe, in the years to come, a minister or a government may regret. I therefore say I think the house should refuse to pass this bill.

I have no doubt it will be pointed out, as the hon. member pointed out, that in section 39 of Bill No. 25 which we were discussing an hour or so ago there is a clause which seems to mitigate the provisions of this bill. Section 39 of Bill No. 25 reads:

The governor in council may make regulations with respect to the conditions under which contracts may be entered into and, notwithstanding any other act,

(a) may direct that no contract by the terms of which payments are required in excess of such amount or amounts as the governor in council may prescribe shall be entered into or have any force or effect unless entry into the contract has been approved by the governor in council or the treasury board, and

(b) may make regulations with respect to the security to be given to and in the name of His Majesty to secure the due performance of contracts.

I would point out, Mr. Speaker, that this is permissive legislation. This is a permissive clause; it is not mandatory. It does not say that the government "shall direct". The word

"shall" is not used. We have the word "may". "Shall" is mandatory; "may" is merely permissive.

In the second place, I do not think the house would be wise to rely on section 39 of Bill No. 25, because we do not know what the regulations will be, and regulations may be amended, varied or rescinded by the governor in council. The only safeguard we have is that the safeguards we want shall be written into a statute. Here we find that the old section 36 of the Public Works Act is to be repealed; the two most important sections in that act are to be repealed and there is to be substituted therefor paragraph (c) of the new section 36 of the bill which provides that where the minister is satisfied that the nature of the work renders a call for public advertisement impracticable, and that the public interest can best be served by entering into a contract for the execution thereof without inviting tenders, he may do so. To my mind that is a dangerous provision and one that we as a parliament should not possibly approve. In presenting his views the hon. member for Vancouver-Quadra brought forward a case which evidently the Minister of Fisheries (Mr. Mayhew) himself thought warranted the discontinuance of the practice of purchasing buildings or letting contracts without tender, or without the proper supervision of this house. Wartime, he said, made certain things necessary. We are no longer in wartime. As the hon. member for Vancouver-Quadra (Mr. Green) said a few moments ago, we are living in a period of buoyant economy, of inflation in this country, and certainly this is the very time we should exercise more care than we should at some other and more normal time.

I do not want to prolong this debate. When the hon. member for Vancouver-Quadra spoke this afternoon I think he spoke not only for the official opposition but also for at least the group for whom I have the honour to be speaking at the moment. We should either vote down this bill, or attempt to do it; or in view of the opposition expressed in the official opposition, and I am certain in my own group and probably in the opposition generally, the Minister of Public Works should withdraw this bill and not proceed with it not only at this session but at any time. If we pass this bill we shall be abrogating one of the rights of parliament, the right to lay down exactly how contracts shall be made, and shall be placing it in the hands of a minister, at the moment one perhaps for whom we have a high regard, but we do not know who his successor will be. We cannot tell what the future will bring; consequently I