

Mr. STIRLING: We are.

Mr. DIEFENBAKER: The hon. member for Yale (Mr. Stirling) says that we are; and it is a fact. The government ask this parliament, after the end of hostilities, to approve that statutes which are still in a position of being suspended, amended, or abrogated by orders in council shall be accepted by parliament as being amended, suspended or abrogated, as the case may be.

The preamble always gives the course and indicates what has been in the mind of the draftsman. When one reads the preamble to this bill he can come to only one conclusion, and that is that the government intends that everything that has ever been done under the War Measures Act shall be approved, and that further powers shall be given.

Let me read part of this preamble:

And whereas it is necessary for the peace, order and good government of Canada that during the period of transition to normal from the exceptional conditions existing during the war, with the attendant dangers and responsibilities for the nation as a whole, acts and things done and authorized and regulations and orders made under the War Measures Act be continued in force.

As I said a while ago, we are asked to approve everything, the controllers have ever done under the provisions of the War Measures Act. We are asked to accept and adopt all the orders in council passed under that act. I always thought that knowledge was necessary before there could be approbation or approval.

Then the preamble goes on to say:

—and that the governor in council be authorized to do and authorize during the said period such further acts and things and make such further orders and regulations as he may by reason of the national emergency resulting from the war deem necessary or advisable for the security, defence, peace, order and welfare of Canada.

That is the conclusion of the preamble. This bill as it now stands seems to have been carefully conceived and equally carefully drawn to assure that every hon. member who votes in favour of it will be placed in a position where it can be said of him that all criticism, of what has been done by controllers, officials and other war agencies, of the unfairnesses which in many instances have occurred, of the administrative despotism which has denied appeals to the courts, of the orders in council which have denied the rule of law and in some cases have permitted discrimination as between members of the same class, has been false and empty, for on voting for the emergency powers bill you have approved and adopted them. On the other

hand, if one takes the other view some will say to the people of Canada that those who so voted are against proper controls.

I say to the minister: Bring in a measure showing what you are going to do in maintaining necessary controls, and there is not a member in the house who in the interest of peace, order and good government in this country will not support you. But we want to know. We do not want the minister to come before the house and, after a cursory examination of the bill, say to us, "Well, there are a couple of things everybody is in favour of"—knowing that we are all in favour of those things, but at the same time failing to deal with the larger principle at stake, namely, that of whether in this country we shall perpetuate the despotism of a bureaucracy which to-day controls in every part of our country, which is endeavouring to maintain itself, and can so maintain itself only if it secures powers such as are comprised in this bill.

Now I come to an even more serious matter. The minister, when referring to the Fort Frances Pulp and Paper company case, quoted the following words from the judgment:

In the event of war, when the national life may require for its preservation the employment of very exceptional means, the provision of peace, order and good government for the country as a whole may involve effort on behalf of the whole nation in which the interests of individuals may have to be subordinated to that of the community in a fashion which requires section 91 to be interpreted as providing for such an emergency. The general control of property and civil rights for normal purposes remains with the provincial legislatures but questions may arise by reason of the special circumstances of the national emergency which concerned nothing short of the peace, order and good government of Canada as a whole.

If parliament passes this bill in its present form, we in parliament will be conferring upon the governor in council, or his delegated authorities, power to entrench on matters of provincial legislation—not in respect of a scattered few subjects, but in everything that can possibly come within the ambit of the powers of a provincial legislature. The government is asking for legislative jurisdiction over property and civil rights equal to that possessed by any legislature in this country. If passed in its present form, this measure places the dominion in a position where it can dominate the dominion-provincial conference. If we pass this bill in its present form, then for a period of one year parliament is informing every legislature in the dominion, "We have emasculated your powers, and turned them over to the governor in council. They comprise everything that a legislature can do,