

Public Works Act

Mr. J. G. Diefenbaker (Lake Centre): Mr. Speaker, while various hon. members were speaking I sent out to the library for the purpose of securing the book that is the epitome of good parliamentary government in so far as finance is concerned. That book is Durell's "Parliamentary Grants". It sets forth the principles that should determine good parliamentary procedure. I feel I can do no better than read one or two portions of the preface which are applicable here.

Progress is essential as well as permanence; and progress is only possible if it is realized that methods and practices, which however good in themselves are no longer suitable to contemporary conditions, must be amended. . . .

Principles, on the other hand, if sound remain unchanged. They are not affected by such considerations. They constitute a solid foundation on which systems are built up.

The great foundation principle of awarding contracts is that they shall be awarded by tender, unless an emergency makes consideration of the safety of the state take priority over the great and abiding principle that a tender must invariably be called. I know that tenders are difficult for governments that are patronage-minded. Tenders do interfere with governments that have political friends. There is a natural disinclination on the part of governments to be controlled in the awarding of contracts. The tendering system is designed to deny, so far as practicable, the use of political patronage for the benefit of the government and to the detriment of the state. The principle has been long embodied in all British parliamentary history that tenders should be awarded.

On page 339 Durell says:

The fundamental rules in making public contracts are that each should be put out to competitive tender, open or limited, and that the lowest should be accepted.

The only exceptions are those to which I have already referred, where the treasury board or the executive, because of conditions of emergency and the like, must depart from the asking for tenders in the interests of efficient and early action.

It is passing strange that this bill, involving a departure from the principles upon which our constitutional development has taken place in this country, should be introduced so late in this session. It is obvious what the purpose is. It is done so that parliament will grant this power because of a desire on the part of hon. members to return home with the approach of the Christmas season. The minister shakes his head negatively. If that was not the purpose of introducing this bill at this time, at least the result—it was hoped—would be effected by doing that. Sir, this is one bill we in this parliament should stand against and oppose, no matter how

[Mr. Brooks.]

long it takes and how much delay there is, in order to assure that it will not pass.

This bill is a dangerous one. This bill is the negation of every principle upon which true democracy is founded, particularly in connection with the financial responsibility of government. It is naïvely worded. As the hon. member for Royal (Mr. Brooks) has said, the first two subsections of section 36 are natural; there must be exceptions. But subsection (c) is a dangerous one. In effect, it says that the minister having charge of a department—and it is every minister—shall invite tenders by public advertisement except where the minister is satisfied that the nature of the work renders a call for tenders by public advertisement impracticable.

If you give any minister that power, or the authority to do that, it will not require any stretch of the imagination to believe that the minister will come to the conclusion that it is impracticable to grant tenders. "Impracticable" is a word with a wide definition: impossible in practice; unmanageable; impassable. If parliament grants this power to the minister of this government it will constitute an abdication of parliament's right to ensure that waste and extravagance shall not be condoned in advance, for that is in effect what parliament will be doing. It will be giving to the government or to a minister *carte blanche* to award contracts regardless of economy or any such consideration. It will be authorizing ministers to do that which the experience of history has shown is dangerous to place under the control of any minister.

I for one cannot support this action which, as my friend the hon. member for Royal has said, is a retrograde step that will be regretted by parliament as the years go by. In effect it says to ministers of the government: Award your contracts as you will. Parliament has given you the authority to do so. Consider no question of cost as long as you can believe that the calling of tenders would be impracticable and that the public interest can best be served by entering into a contract without inviting such tenders. Authority will have been given which will assure that any spendthrift department may spend as it will, and be authorized by parliament in advance to do so. It will be an invitation to patronage, waste and extravagance. It will place the public administration of this country at the mercy of the political friends of the government. It will constitute on the part of parliament approval of the return to a system of flagrant patronage.