

HOUSE OF COMMONS

Friday, January 27, 1961

The house met at 11 a.m.

BUSINESS OF THE HOUSE

WAR MEASURES ACT—REPORTED AMENDMENT THIS SESSION

On the orders of the day:

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, I should like to ask the Prime Minister if he could confirm or deny a report in the press this morning to the effect that during this session the government is going to amend the War Measures Act.

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I did not see that report. However, I did have an interview with the press with regard to the War Measures Act. The government feels—and it expressed its feeling in this regard at the time discussions were taking place relative to the bill of rights—that some committee of the house might well consider the War Measures Act and, having considered it, make recommendations as to what revisions or amendments could be made to that act to render it a measure from which injustice would not follow.

I pointed out that while the War Measures Act remained on the statute books between world war I and world war II, it was regarded by constitutional authorities as inoperative during those years. I also pointed out that following world war II, extraordinary powers were taken by the government through action by parliament under such measures as the transitional powers act and the Emergency Powers Act which had the consequence of infringing or impinging on the constitutional rights of the provinces, and that I felt the declaration of an emergency should not be used by the federal parliament to invade provincial jurisdiction as was the case following world war II.

I feel and I think the Leader of the Opposition will agree, that a full and complete review of the War Measures Act would be following a course in keeping with the desires of Canadians as a whole. In time of war the measure is necessary in the interests of maintaining security, but in the days of peace there cannot be too large a degree of justification for its maintenance in effect

without giving parliament at least the opportunity, through a committee, of fully considering the representations that have been made from time to time with regard to this legislation.

Hon. Paul Martin (Essex East): A supplementary question. Is the Prime Minister not aware that there is now on the order paper in the name of a private member indication of intention to introduce amendments to the War Measures Act in accordance with notice given by the government last year of its intention so to do?

Mr. Diefenbaker: Mr. Speaker, the government gave its answer last year. This is a matter which we believe should be considered by a committee, to the end that the best available consideration may be brought before that committee with regard to this legislation. It is not a matter for private members; it is a matter that affects not only parliament but also the constitutional rights of the provinces.

UNITED NATIONS

CONGO—REQUEST FOR STATEMENT ON CURRENT SITUATION

On the orders of the day:

Mr. Hazen Argue (Assiniboia): I should like to direct a question to the Secretary of State for External Affairs. Would the minister care to comment on the reported deterioration of the situation in the Congo and the statement by the Secretary General of the United Nations that the threatened troop withdrawals could bring the big powers into the Congolese conflict?

Hon. Howard C. Green (Secretary of State for External Affairs): Mr. Speaker, I would point out that the Secretary General of the United Nations believes that a serious situation would arise if there were a permanent weakening of the force through large withdrawals. I would say that his purpose is not so much to predict what the future may be in the Congo as to indicate that in his view the countries which withdraw from the force must take the responsibility for the consequences. It is true he has said:

A severe weakening of the force may make it impossible for it to function effectively and would thus make necessary a proposal for the liquidation of the force and in consequence the entire U.N. operation in the Congo.