

Emergency Powers Act

Mr. Drew: I am proposing to suggest why the minister should reconsider the announcement he has made in this house, for two very important reasons: first, because of the impropriety of the principle enunciated; and second, because of the argument that was put forward at the time the bill was passed designed to terminate appeals to the privy council. At that time it was suggested that it might be desirable to withhold action in regard to a measure which obviously would be more effective when there was agreement with the provinces which would make it possible to deal with the whole question of appeals to the privy council completely and at one time. I for one made it clear then that I supported the intent, although I did suggest it should not be done in that way. I recall that at that time some question was raised as to our full recognition of the stature of the Supreme Court of Canada, and that any suggestion that we should go beyond the Supreme Court of Canada was almost an affront to Canadian lawyers. I find on page 197 of *Hansard* for September 23, 1949, the Prime Minister said:

... I have as firm confidence in a judicial body set up and operated in Canada and composed of my fellow Canadian citizens as I would have in a similar body set up and operating in any other country in the world.

On page 199 the Prime Minister stated:

We lawyers feel a special concern about the courts. It is my belief that we shall find we have added something of substantial value to the profession of law in leaving to Canadian lawyers, elevated in due course to the high office of His Majesty's judges of his Supreme Court of Canada, the responsibility for final decision on Canadian cases.

Although there is agreement between the dominion government and the provincial governments, endorsed by this parliament and by the provincial legislatures, those appeals to the privy council affecting questions of jurisdiction between the governments, which is the type of case that most often goes to the privy council, cannot be terminated. What better time to demonstrate this faith in the strength of the Supreme Court of Canada than at a time when the dominion government itself carried the case to the supreme court, and how better demonstrate their belief in the excellent judgment of that court than by accepting that judgment and acting accordingly? For those two reasons I suggest that, in consistency, the principle is unsound and should be withdrawn, because it is another of those warnings which has rather serious implications. I would suggest also if the government is going to ask us to accept their belief in this principle, that they take this occasion to demonstrate that conviction by their own actions.

Again, let me come to the question of controls as brought forward by this measure. Because of certain things which have been said in the press and elsewhere within the past few days, and because of certain things I have heard stated over the radio, I think it may be desirable to briefly review the position we took in regard to controls. This is the appropriate point to indicate our approach to this subject. I find there is a general suggestion amongst those who take a firm stand against controls of any kind, that by supporting the subamendment to the amendment that I moved we were climbing into the same bed with the C.C.F. party in regard to the idea of state planning, which certainly has been that party's view no matter how much it may be put forward at this particular time. In anything I say I have no thought of making remarks which suggest anything less than the highest purpose on the part of those of the C.C.F. party who presented their own views. But I want to point out that at that time I clearly stated we were voting upon our own amendment which had been sub-amended by a definition which, where we said that steps had not been taken to deal with inflation and the cost of living, added certain words which indicated that any steps to be taken include controls and subsidies.

I simply wish to recall, for the purpose of clarity in discussing this subject at this time, exactly what I did say. I recognize that it is not possible for the press to report more than a limited part of any speech, but I think that it might sometimes be desirable if those who make later comments concerning matters of this kind would take advantage of the opportunity afforded by *Hansard* to see exactly what views were expressed. I should like to recall that at page 291 of *Hansard* for February 12 I said this:

On examining some of the statements that have been made in support of that subamendment, Mr. Speaker, it is clear that those who introduced it have more in mind than simply an explanation of the amendment itself and that there is a return to the doctrinaire belief in over-all controls as part of our general economy and not something simply to meet an emergency, and a very real one, such as that with which we are confronted today. This point of view is one which I certainly do not accept. I most certainly believe that part of the struggle in which we are engaged today is to keep within our economy the greatest measure of freedom which can possibly be preserved throughout these difficult years.

At a later stage, I said:

I believe in a free economy; and I believe that one of the great issues before us in the years ahead will be whether we can preserve that free economy in the face of the threat with which this and every other free nation is now confronted.

I then went on to say that, in my opinion, inflation had reached in this country a point