

*Defence Production Act*

government. I am not going into the whole series of acts that followed that period, because we then have come into a period where we have seen the rapidly accelerating tendency toward a new type of emergency legislation. May I repeat what I have already said. I am not suggesting that this is something for which this government alone is responsible. This is a tendency that has been developing in the democracies under the immense pressure of the manifold demands of an increasingly complex society.

I am not suggesting, nor would any hon. member in this house suggest, that there can be a sweeping and complete removal of all delegated legislation. That is impossible. Not only in the national but in the provincial and municipal spheres, there is legislation which must of necessity provide certain delegated authority. But in this whole field of legislation it is not impossible to write into the act the purpose in making the office permanent, if that is desirable, in making the act subject to review. Above all, we can make sure that no single minister or no single official has within his hands freedom of the individual or the right of any individual to work, or the general rights within our society that should be under parliament and, even in the most extreme cases, never be delegated beyond the government.

Has that point sufficiently impressed itself? We are not dealing here only with the question of delegated authority to a government. We are dealing with delegated authority to a single minister who does not even consult the government. He does not even need to inform the government of what he is doing. He has immense powers. This is a minister of a government in Canada in the supposedly enlightened year 1955, a year when, according to the Prime Minister today, we have reached such a point of security that we can deal without concern with nations beyond the iron curtain and put up our money to provide them with food and supplies.

If we are, in fact, in such a period as that, then surely this is the time, if ever there was a time, to re-examine the whole picture and decide that we here in Canada will revise the whole situation and, recognizing that there must be delegated legislation, still make sure that the delegated legislation spells out the field within which it may be exercised, so the individual Canadian at least may have some idea as to what are his rights.

After all, that is the rule of law. I do not need to say to any lawyer in this house that no lawyer could possibly advise his client what the rights of that client would be five

[Mr. Drew.]

or six months from now. It would depend upon the political persuasion of the lawyer, though that should not colour his legal judgment; but he would have to say, "It is true that they have not exercised the power, but you might just as well realize that they have complete power and that your business is not secure at all. Your business may be taken over, your personal services may be taken over, if the government decide to do so." Any lawyer who recognized his obligations to his profession would have to advise his client accordingly, and his client then would have to take the chance as to what would be done. Obviously some hon. members will say, "All right, that is the chance we are quite prepared to take." But I repeat that it is the wording of the law, and that we should not be called upon to leave this in a speculative position and gamble with the security of our people under powers of this nature.

There can be measures of control over delegated authority, and we have pointed out how they can be exercised. We have made it clear, and let no one suggest anything else, that we are prepared to support delegated legislation in regard to the exercise of certain powers so long as the powers which the government itself said were excessive are removed and so long as the government places those powers under a proper time limit, only to be renewed from time to time by parliament itself. That is simple; that is what we have proposed over and over again. Make the department permanent. Unhappily within the life of every one of us defence is going to be a continuing responsibility of parliament.

**Mr. Croll:** Will the Leader of the Opposition permit a question? As I understand the position, the government is asking parliament for powers subject to review and repeal by parliament, and the opposition is agreeable to the granting of powers for a fixed period subject to renewal by parliament. My question is, is not the difference between us one of method rather than principle?

**Mr. Drew:** No. The hon. member has completely misstated the situation. The act now before us is not subject to review and repeal, beyond the fact that any act is subject to repeal. This act is not subject to review. There is no provision in this act anywhere that makes it subject to review. There is no time limit on this act if the amendment which has been introduced by the Prime Minister is passed, no time limit whatever.

Therefore there is a fundamental difference between us. What we say is precisely what was said in the early stages when this act was first brought forward. There are powers