

Emergency Powers Act

which is followed in enacting a bill of this kind will continue just as long as the world is in the state in which we now find it. It is about time we realized that this is probably the normal state of affairs of the world today. We are probably living in 1953 in what will be normal times. The only alternative that is likely is if there should be a third world war, which none of us wants; in that event there is legislation written on the statute books in the form of the War Measures Act which can be brought into effect. Speaking as one member, as a member representing one constituency, I cannot see the wisdom in having emergency powers under conditions of this kind.

There is one other factor which is very serious. I referred to it the other day when the Speaker was in the chair, and that is that this type of legislation can be used as a threat. The government has this power at the present time. It has it for only two measures, but it has that power, and because of the fact that the act is on the statute books it can say to anybody in Canada, "You do so and so or we will take action under the Emergency Powers Act". The Minister of Trade and Commerce expressed that very clearly a year or two ago. On September 8, 1950, at page 460 of *Hansard* he said:

I suggest to the committee that a word from the government is more effective if there is a law in the background that can be applied in case the response is not all that may be desired.

I believe that behind the argument of the Minister of Justice on this measure there is the thought that the government would like to have this legislation on the statute books so it can be used as a threat to make the Canadian people do as the government wishes. In any event, that is one very serious feature of legislation of this kind.

In the course of his remarks the minister showed what seemed to me, with all deference, to be a schoolboy attitude. He reminded me of a schoolboy debating, and a schoolboy not in a very high grade. He showed a delight in arguing: Why, we have saved parliament all its rights. Have we not written into the act that when we pass an order in council it shall be put on the table of the house, and then if any member wants to rise and challenge it he can do so and can have the whole order in council cancelled?

Well, that is a fine substitute for a free parliament, a fine substitute for having measures debated in the way that everything else is covered in this house.

The minister knows and you know, Mr. Chairman, and everyone in this house knows, that by the time the government has passed

an order in council behind closed doors and has laid it on the table, there is just as much chance of that order in council ever being voted down as there is that we shall be able to fly to the sun. It is one of those things that do not happen. The Canadian people had better not be fooled by a specious argument of that kind. When parliament is reduced to having only the right for a private member to introduce a resolution against an order in council, then the rights of parliament are mighty small. There is not the slightest possible chance of the government's action in passing the order in council being repudiated. This provision is just a sop. It is just put in the act for a bit of face-saving. As for protecting the Canadian people or the rights of parliament, it is useless.

What worries me the most about this whole situation, Mr. Chairman, is the attitude of the members of the cabinet. They really seem to believe that they cannot run this country without these emergency powers. They show not the slightest indication of believing that they are going too far in taking away the rights of parliament, as they are doing, by a measure of this kind. I point out once again that only two of the members of the present cabinet have ever been ministers at a time when they did not have emergency powers. They are the Minister of Trade and Commerce and the Minister of Agriculture. All the rest of the ministers have been appointed to the cabinet since 1939 when the War Measures Act was brought into force. The Minister of Trade and Commerce does not need to worry because he has on the statute books, in his Defence Production Act, all the powers that he would require in the midst of a third world war. We cannot complain about the way in which that was done, because the act was passed after a proper debate. Of course, this minister has never been hesitant about taking powers, and he has got them in the shape of a statute.

The Minister of Agriculture seems to get his way whether or not he has powers. Perhaps he does not need them. In any event, he seems to get along very well without them. All the other ministers in this cabinet are war babies.

Mr. Martin: So long as we are not babies.

Mr. Green: They are all accustomed to having these emergency powers. They are accustomed to going over to the east block, slamming the door, pulling down the blinds and passing an order in council which then