

*National Emergency*

our approval on everything that your controllers and ex-controllers, your boards, agencies or commissions have done under the War Measures Act whether we know of their existence or not. We are asked to say: We accept the orders in council upon which they acted. Surely, sir, never before was any parliament asked to do such a thing. Admitting the necessity of controls such as those to which I have referred, I ask why the government did not bring in a bill covering them specifically? Under the guise of bringing in certain controls we should not give to the governor in council a despotic power uncontrolled by parliament.

I should like to know this from the minister who drafted the bill: Were some of the bureaucrats who desire to hang on to the powers they have had during the period of the war consulted? Did they participate in the draftsmanship? Experience has shown, sir, that men who get unlimited power are not willing to release that power without a battle.

Under section 5 parliament is asked to approve orders in council under which democratic powers have been annihilated. And what is more—I could refer to them by name—under some of the orders in council which we are asked to approve, bureaucrats not only make the laws but they are also the judges of their own acts. Are we to approve those acts? Are we to be asked to approve what has been going on in this country, discriminated in some cases against small businesses? That is what we are being asked to do. In Great Britain the government accepted suggestions from the members and carried them into effect. I suggest that this bill be submitted to a committee of the house with power to examine the controllers who will be affected by this particular bill and have them answer for what they have done, have them give an account of their stewardship before parliament perpetuates them in office under the provisions of section 5 of this measure.

I deny to the government the right to ask parliament to approve and accept secret orders in council which deny access to the courts; yes, and under which in some cases where gross unfairnesses were effected by tyrannical acts on the part of certain investigators and snoopers who went about this country inciting the commission of offences, and who have been imputing bad faith to honest people instead of excusing mistakes that were of small significance. I make that statement advisedly. In my own province an honest man was followed, and followed, and followed, and finally after a week's inducement he did what men sometimes do when given the opportunity of having a large amount

[Mr. Diefenbaker.]

of money placed before them; he capitulated, and then he was prosecuted. Sir, it was never intended that justice should be administered as it was in that particular case—and it is not an exceptional one.

I deny the right of the government to ask parliament to perpetuate the general emergency as envisaged in paragraph 3, subsection 1, when all the minister establishes is an emergency in one or two fields. If the government do not intend to use these powers, why do they want them? Surely it cannot be argued that the government wants them only for decoration. Does the government contemplate that before parliament meets again in March, a matter of three months, they will need the power under this section to introduce a planned economy and industrial and agricultural regimentation such as is envisaged in certain of the provisions of this measure?

If the government do not intend to use these wide powers, why do they ask for them? Why do they not ask only for the powers that are necessary, instead of asking for a blanket authority to cover everything that can possibly be conjured up?

I refer also to the section dealing with entry into Canada. Does parliament intend to confer on the governor in council the right to say whether any particular person shall come into Canada? Why is this not done under the Immigration Act? What has the government in mind? Why is this power sought? For years I have heard people speak of how unfair certain legislation was in 1917. In 1945, with the war over, the government asks parliament supinely to place in its hands citizens of whatever racial origins they may be, British subjects or any others, with the right to deport them on the order of the governor in council or of some other person designated by him.

I come to another phase of the question. In 1941 I happened one day to be studying a statute, and I found that the advice I had given on it did not work out as it should. Well, lawyers sometimes find that. When I looked into the matter I found that the statute had been amended or suspended in part by an order in council. I placed a question on the order paper. There were those who said: "Do you mean to tell me that statutes passed by parliament are being amended, suspended or abrogated by order in council?" Finally I got an answer. It took a long time. A return fully an inch and a half thick was brought down, listing the statutes suspended or amended by order in council. Are we being asked under section 5 to approve in time of peace what has been done in this regard during the period of war?