

Defence Production Act

its customers who fails to comply with any direction, order, regulation, restriction, prohibition or control given, made or exercised by it pursuant to subsection 1 by such means as it may deem proper and may enter upon any land of any such customer and do whatever is necessary for that purpose.

(4) Any municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution may interrupt or decrease delivery of electrical power or energy in such manner and to such extent as it sees fit to any of its customers who fails to comply with any direction, order, regulation, restriction, prohibition or control given, made or exercised by the Commission, pursuant to subsection 1, by such means as it may deem proper, and may enter upon any land of any such customer and do whatever is necessary for that purpose.

(5) Nothing done under this section or under any direction, order, regulation, restriction, prohibition or control made or exercised by the Commission under this section or done to enforce or give effect thereto by the Commission, its servants or agents, or by any municipal corporation or municipal commission or its servants or agents, shall be deemed a breach of contract by the Commission or any municipal corporation or municipal commission or entitle any person to rescind any contract or release any guarantor from the performance of his obligation, or render the Commission, its servants or agents, or any municipal corporation or municipal commission, its or their servants or agents liable in any action-at-law or other legal proceedings for damages or otherwise.

Mr. Howe (Port Arthur): It sounds a little arbitrary to me.

Mr. Drew: Mr. Speaker, the right hon. Minister of Defence Production says that sounds a little arbitrary. He thinks that is arbitrary. He does not think it is arbitrary to put into effect an act of this kind which does not even bother to say how or under what circumstances the minister, let alone the governor in council, may exercise these wide-open powers.

Mr. Howe (Port Arthur): We at least let our munitions people go to court. The rule of law still applies.

Mr. Drew: There is nothing, of course, that denies any right that is not clearly stated in this, but the minister knew perfectly well what the circumstances were. The reason I have read this is to explain that. Everyone in Ontario knows perfectly well that both in 1947 and in 1948 these provisions dealt with a power shortage that called for the allocation of power. It would have been utterly fantastic to have permitted every single consumer of hydroelectric energy to have a right of action in relation to any reduction in the amount of power when it was perfectly clear there was not enough power to go around. That is all that means. Far from there being any general provision—

Mr. Howe (Port Arthur): But the legislation is still in effect, as I understand it.

Mr. Drew: As far as that is concerned, if there were any circumstances in which there
[Mr. Drew.]

was a shortage of power, the provision would still apply, and it only applies in a specific and clearly defined case. It applied in this particular case, as the minister well knows, to the results of the limitation of construction during the war; it also resulted from the cancellation of power contracts by the previous Liberal government in Ontario. That was the primary cause of the power shortage.

Mr. Howe (Port Arthur): It seems to me you might let the suppliers sue the Hydro.

Mr. Drew: The minister's sole concern about the problems raised here, which are clearly stated and clearly defined, is really in strange contrast to his suggestion that powers should be granted to him, and not even to the government, which have no definition and no limitation and are available for no specifically stated purpose except that he thinks it is desirable to take control of these things because of the need of defence production—not merely products that are actually in finished form and are defence requirements, but any of the raw materials or supplies that go into these. You cannot compare the two things. I hope hon. members opposite will realize that the interpretation given by the minister in this case is indicative of his understanding of exactly what is involved in this problem. He cannot even appreciate that in that case there was a clear definition of the circumstances under which this power was exercised and could be exercised, and that that is exactly what we are saying should be done under the act now before us.

Hon. members opposite have had some examples already of this particular thing. Using it only in its strict dictionary meaning, I say that this double-talk is the kind of thing that makes it extremely difficult for anyone to know when the minister is serious and when he is not. On the one hand he says that the Prime Minister does not regard this as an important bill. On the other hand he tells us that he can do the work here just as well when he is away fishing. He makes general statements of this kind in regard to these matters.

For instance, he tells us that powers which are clearly defined can scarcely limit such things as are in excess of those powers. I am using this illustration to point out how wrong the minister is when he makes these observations, and most important of all when he tells us that this act is more limited in its application than the corresponding acts in Britain and the United States.

There are a number of cases where this act goes far beyond any act in Britain or the United States, and I will refer to two of