

*Defence Production Act*

that during the time he was in charge of this work the country spent between \$17 and \$18 billion; and Canadians are proud that with that tremendous expenditure of money, not only was no question raised or allegation made concerning any misappropriation of funds, but there was a definite appreciation that large sums of money that would have been considered an undue profit were recovered by the country. This has meant that the burden upon the people paying the taxes was reduced to that extent. The record of the minister and of the government in administering that \$17 or \$18 billion, and seeing to it that the taxpayer was protected, is one of which Canadians have a right to be proud.

My understanding of the main objection by the official opposition to the bill is that, by continuing in effect the powers set out in the existing statute, we will be getting away from parliamentary control and the rule of law. Dealing first with parliamentary control, it is my understanding that the official opposition following the war insisted that the emergency powers act should be brought to an end because they said, the government should not have the power to pass laws by order in council giving itself further authority. They said that if the government required certain powers, then it should secure those powers by legislation passed by parliament. They said that under those circumstances they would know what powers the government had, and it could be called to account at each session of parliament. They urged that this would be true responsible government.

This is what the official opposition have been asking for during the last six or seven years. Now that the government is laying down in legislation, section by section, exactly the powers to be given to the minister to carry out his work, they find fault. I wonder if the country will not have grave doubts about the present opposition to this bill, when they see that when the government is doing the very thing the opposition has claimed should be done they now find fault with those very actions.

Those sections giving power to the minister must be administered, and the government is answerable to parliament each year as to the manner of that administration. This, as it has been pointed out, is responsible government. But, in addition to that, the courts are there. If in any way the government does not administer the law in accordance with the act, the courts are there to protect the citizen.

This brings me to the argument about the rule of law. Particular reference was made

to this by the hon. member for Prince Albert (Mr. Diefenbaker). He made special reference to the question of price fixing, as it is provided for in section 31 of the act. My understanding of that section is that the question of price fixing has to do with essential defence material, supplies and defence projects. There seemed to be a suggestion that a government which is spending well over 40 per cent of its entire income in preparing to defend itself would have no right to protect itself if a group of people got together in an endeavour to profit unduly from a situation where such a large amount of money had to be spent. That very situation would not only undermine faith in our system of government, and its adequate powers to handle the problems confronting the country today, but it would destroy faith in the system of free enterprise under which we operate. It would also weaken the effort we are able to make to defend ourselves.

The hon. member for Prince Albert is a lawyer with a distinguished record, and I would have thought he would have been the first to admit that the first and paramount power given to the central government in Canada, when Canada was established as a nation, was the right to defend itself and to take all the necessary steps to that end. I had no doubt in my mind that the fathers of confederation had not overlooked that when they drew up the British North America Act. I was certain that provision appeared in section 91, which gives the overriding jurisdiction to the dominion parliament in various national matters.

Section 91, which without doubt prevails over any provincial power given in section 92—and sometimes it seems to me we overlook the sweeping powers given by this section—says:

It shall be lawful for the queen, by and with the advice and consent of the Senate and the House of Commons, to make laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this act assigned exclusively to the legislatures of the provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this act) the exclusive legislative authority of the parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say,—

Then we come to heading No. 7, which reads as follows:

Militia, military and naval service, and defence.

Section 91 concludes by saying:

And any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this act assigned exclusively to the legislatures of the provinces.