

## Defence Production Act

voted year in and year out in these times without any question as to the amount required. And it has been basing its defence estimates, not on any emergency quick-time procurement, but on a long-range five-year plan of procurement which does not give the impression to me, at least, that there is any emergency in connection with the obtaining of defence supplies, the setting up of defence projects, or any of the matters within the competence of the department, as it now functions.

The fact that there is no emergency of the kind which warrants our allowing these powers to continue is demonstrated by the government's attitude toward manpower for defence. There has been no attempt to draft manpower, and no concern that that aspect of defence, a very important one, presents an emergency condition, or that that aspect of defence requires compulsion of the kind asked for in this other aspect.

I have dealt with what seems to be the central issue, and that is the continuation of these powers. There have been suggestions, in which I concur, that this bill be split. The minister himself suggested that he had consulted the Department of Justice to see whether that was possible. His answer that it is not possible does not strike me as being convincing. It is clearly possible to continue the department with certain limited powers, such as are normal in any departmental administration, but without these extraordinary powers which have been set out by speaker after speaker.

Not only are they powers of the minister, or of the governor in council, but they are powers also of anyone the minister may see fit to appoint. The extraordinary feature about this act is that anyone named by the minister may, under his direction, do any of the things he may do himself. And the things he may do, in the realm of property at least, amount to complete control of the production of the country that may be used for defence purposes.

The initial description of the minister's powers, as they are contained in section 11, are in terms just as broad as that, when the section says:

The minister shall examine into, organize, mobilize and conserve the resources of Canada—

I repeat the words "organize, mobilize and conserve the resources of Canada". Those are laudable objectives and, if they are accomplished in the ordinary way, well and good. But to have them accomplished by decree of the government which goes as far as to permit the breaking of contracts, the subject of provincial legislation, and without compensation, and at the same time absolving people

of their obligations, both contractual and statutory, is as broad a power as I have ever heard given.

It seems to me that statutory obligations and powers imposed by parliament should be dissolved only by parliament itself. I do not think it is necessary to indicate the extent of the powers given, because that was done thoroughly by the hon. member for Eglinton (Mr. Fleming). However, before leaving entirely this subject of powers I would point out that, under section 5, not only appointees of the minister may carry out any act or exercise any power he has, but that in addition he may set up corporations *ad lib.*—and has, in fact, set up a great many corporations—which may exercise and carry out his powers.

Then, in section 8(2), the minister may contract with any person to act as an agent. That is obviously designed to operate outside the department. So he is permitted to give the character of the Minister of Defence Production to someone who may not even be a public servant, who has not been elected in any representative capacity and is not a member of the House of Commons. He may not be a member of the public service at all, but someone completely outside it. And yet such person could exercise all the powers of a minister of the crown acting as an agent of Her Majesty.

I think the real reason for the request now made could best be described as a habit of governmental practice acquired over a period of 15 years. It is a habit which the minister does not wish readily to abandon. If these powers are dissolved, then so far as I know at the moment it dissolves the last of those emergency powers which have been exercised for a very considerable time, not only by the government but by the minister whose department it is. And in his person we see the continuity of that exercise of a wide and overriding authority which has gone on for such a long time that neither he nor any of his colleagues apparently can contemplate its discontinuance.

Therefore, although the reason for such power has gone and the need for it has not been demonstrated, we are asked to continue the authority. That brings me to a few remarks which I feel it my duty to make about the minister himself because, although it is a problem of the future, we are dealing with a department which may or may not have the Minister of Trade and Commerce as its minister, and therefore we are handing authority to unknown quantities. We do know that this measure is brought forward by a man who has been the focal point of Canadian industrial activity for a long period of 15 years,