

*Agricultural Products Act*

rested with the dominion, whose authority furthermore was strictly limited to this field.

That is a summary of the decision. Dealing with the principle enunciated by the Minister of Justice, he has forgotten that one of the cardinal principles of the British constitution is that the courts are subservient to the legislature, and that any decision of a court can be changed by legislation. If that is so, the minister has forgotten that any reference to the courts is not the way to approach the problem. I might say to the minister as to this particular matter that there is no reason why the government should not pass an order in council to test the validity of the legislation. Under the Supreme Court Act an order in council can be passed by the cabinet to refer the proposed legislation to the supreme court for a decision. The government knew that the situation in which we now find ourselves was coming on when the minister visited England last fall. He saw what the situation was in England. He saw what the abrogation of preferential trade had done to this country in bringing about the loss of our markets and our best customers. He might have had an order in council passed last fall under the Supreme Court Act asking the supreme court for a decision whether this little bill of three or four lines was ultra vires, or within the power of parliament. That was not done.

I said last session that there were 180,000 orders in council, but there is only one matter that has ever been before the Supreme Court of Canada, the question of margarine, and there was a four to three decision holding that it was partially intra vires. In 1946, 1947 and 1948 I asked that a reference should be made to the supreme court under the Supreme Court Act. I requested that on many occasions, but the government would not acquiesce.

I agree that no one has a better knowledge of agricultural matters than my former leader, who spoke this morning. He has given his whole lifetime of public service to agricultural problems. Nevertheless, I think it is one of the functions and duties of the opposition as far as possible to offer the government some constructive solution for this very vexing problem. I have not heard anyone so far suggest any solution. There is a more important policy to decide than the legal side of it, and on grounds of public policy some solution should be offered. Under the Right Hon. R. B. Bennett, after the Ottawa agreements were brought into operation, we passed a marketing act which hon. gentlemen opposite did nothing officially to support. Had they supported it at that time I doubt whether the privy council would have given the decision

[Mr. Church.]

they did give in that case. Hon. gentlemen opposite opposed it, and right in this house declared that it was ultra vires. No doubt the present bill will be construed as an omnibus measure when it goes to the courts, as the Minister of Justice (Mr. Garson) suggested the other day, under which the government will be able to take power over all agricultural products with the possible exception of wheat.

The minister may be correct in his statement that parliament should not be used in the manner indicated, and that we should not turn ourselves simply into a shadow House of Commons to justify every action of the government. For many sessions I have introduced motions calling for constitutional, parliamentary, cabinet and law reform, and here we have all these matters dealt with in this bill which contains only four or five lines. As I see these things, it is up to all parties in this house to contribute to a reasonable solution of these vexing problems with which the government has to contend. On the ground of public policy I suggest that solving these involved questions is more important than some small advantage we as an opposition may gain.

However, as a private member I am suggesting that we should not forget two principles I have always supported. The first is that we should tell the people the truth, not just the official truth but the whole truth about whatever we are doing. As a private member I believe that if you have made a mistake you should not be afraid to tell the people at home, because they do not expect their rulers to be gods. I was one of those who opposed any departure from these principles, for reasons I have given on other occasions. We had the Geneva agreement, signed by thirty-two countries; and when it was considered in this house we were told that not a line in it could be changed, though it meant departing from the economic policies we have followed since confederation. We should have taken the position that preferential trade within the commonwealth was a family matter, which was not to be disturbed or destroyed in order to please other countries.

I want to refer to only one or two other matters in conclusion. As I see it this bill is a political device having to do with marketing, as against Britain and the empire and with a United States tinge, to aid the Bretton Woods and Dumbarton Oaks principles. It seems that we have lost all hope of retaining our best customer, though the minister himself went to England last fall to see what could be done. We had the austerity program in 1947, though from February to November