

Defence Production Act

By a mere order in council, the federal cabinet may annul a perfectly legal contract entered into between a provincial government and those under its jurisdiction.

Now the seriousness of such a step on the part of the government implies a situation of extraordinary urgency, such as actual war or imminent danger. In that event, and in that event only, there might be some justification for the enactment of legislation imparting such tremendous powers to a minister of the crown. But in peacetime, and merely in order to ensure that the government may make purchases necessary for defence purposes and to ensure that Canadian factories turn out the materials necessary to our armed forces, we are writing into a federal statute certain sections under which the federal cabinet is allowed, merely through an order in council, to annul a law which is purely provincial in character and even to make null and void a contract duly entered into by a provincial government, on the one hand, and those under its jurisdiction, on the other. Such powers are excessive, but the tragic thing about this is that the government dares ask this house to place this act permanently in our statutes.

Let us consider for a moment the possible effects of section 28, if it were to be applied fully. In short, we are now being asked to insert forever in our statutes a section which would allow the federal government to disallow a provincial act, on the sole condition that the Minister of Defence Production obtain an order in council to that effect. I cannot think of a better example of dictatorial powers, and I wonder if it is not characteristically dictatorial to ask us to give carte blanche forever to a minister, at the very moment when the rights of the provinces are being consistently attacked by the most centralizing government which has ever existed in this country.

I don't have to multiply instances, as I believe that the Canadian population, at least in the province of Quebec, has not failed to realize the state of mind in which my hon. friends opposite approach this matter. No doubt some will say that, up to now, those dictatorial powers provided by section 28 have not yet been exercised. Nevertheless, we are being asked to insert forever in our statutes this section which includes all that is necessary to enable the federal government to lay hands on part or even on all the power resources of any province, even though such resources come under the exclusive jurisdiction of the provinces.

[Mr. Balcer.]

Section 30 gives the federal government the power to take over the whole highway system of a province.

Moreover, under section 28, the federal government may exempt from all provincial taxes any company or corporation holding some contract with the Department of Defence Production. I dare hope that those who drafted the legislation were not aware of the dangers of section 28, and I am satisfied that the Minister of Defence Production does not intend to use the powers it grants him. It is rumoured that the Minister of Defence Production will retire next fall and that the Prime Minister will do the same. You may well imagine—

Mr. Robichaud: As well as the Leader of the Opposition.

Mr. Villeneuve: Those rumours have been circulating for the past ten years.

Mr. Balcer: Well, this morning in the press gallery I heard that the Minister of Defence Production would probably be replaced by the chairman of the Canadian National Railways, Mr. Gordon. You can imagine—

Mr. Robichaud: The appointment is announced in the house!

Mr. Balcer: You can imagine how much that little dictator of the Canadian National Railways could blackmail the provinces, corporations and companies, if he had the extraordinary and dictatorial powers granted by sections 28 and 30. We of the opposition strive strenuously to erase from our statutes certain sections which constitute a danger for Canadian democracy, sections which go against the true spirit of the Canadian constitution. It is unthinkable in peacetime that our statutes should include a section which would authorize the government—not as a result of a vote taken in the house but merely by means of an order in council—to vest such powers in the Minister of Defence Production. In fact, upon request by the minister, the federal cabinet could exempt from provincial taxation companies or corporations that held contracts from the Department of Defence Production.

The federal government would then be in a position to deprive the provinces of their sources of revenue and compel them to accept subsidies that would make them wards of the federal government, an aim which the central government has been striving to achieve for several years past. That is why I am asking the members of this house to look closely into sections 28 and 30 so that the Canadian constitution will not be imperilled and that the rights of the provinces and all that they represent will not be infringed upon.*