

Defence Production Act

council. Are these powers wide enough to ration any materials that are designated essential materials?

Mr. Howe: Yes.

Mr. Green: And as I understand it, the power is also included to fix prices on all these materials?

Mr. Howe: Correct.

Mr. Green: Are both those suppositions correct?

Mr. Howe: They are both correct.

Mr. Green: There is complete power to ration?

Mr. Howe: That is right. We are doing it today.

Section agreed to.

Sections 32 and 33 agreed to.

On section 34—*Non-disclosure of information.*

Mr. White (Hastings-Peterborough): Section 34 says that no information can be given without consent except to a government department, and so on, for the purpose of the discharge of the functions of that department. Would such information be available to the Minister of National Revenue for the purpose of the discharge of the functions of that department?

Mr. Howe: It could be, yes. That is permitted under the act. Whether or not it would be would depend on whether we were asked for it.

Section agreed to.

Section 35 agreed to.

On section 36—*No action lies against controller or investigator.*

Mr. Fulton: Section 36 is one of those to which we have been taking objection, particularly that these powers should be given at a time when we are not actually engaged in what has been described as a shooting war. This is one of the sections concerning which I would ask the minister whether he does not think it could be left at least so that it might be brought into effect only on proclamation, it being envisaged that such proclamation would be issued when and if we might be engaged in a general war? I do not think it is right than any person should be exempt from the consequences of his acts when he has the tremendous powers over other persons' property and affairs that these controllers have under this bill.

Mr. Green: May I suggest that the powers given to a controller or investigator under

other provisions of the bill are extremely wide. If by any chance he should exceed those powers surely the government should then stand behind him and be prepared to compensate the person who has suffered as a result of the excess use of these powers. The section reads:

No controller or investigator is responsible at law for any act or thing done by him in good faith in the performance of his duties or the exercise of his powers under this act and no action may be taken against a controller or investigator in respect thereof.

The other evening we suggested that the powers of a controller should be limited to arranging for the completion of the defence contract, and that when that had been done he should get out. The minister said that in practice that would not work out, and would not agree to such an amendment. Section 36 goes much further in that it provides that no claim whatever can be made in respect of the actions of the controller even beyond what he was authorized to do.

Mr. Howe: Oh no.

Mr. Green: I would urge that the section be dropped because if a controller should do something he has absolutely no right to do under the act then the government should stand behind him and make good any damage that has been caused.

Mr. Howe: The section does not exempt the government for the act of its agent, the controller. It simply exempts the controller personally. I do not think you could get anyone to assume the office of controller if he could be personally sued for his actions.

Mr. Green: In a case of that kind the ordinary practice would be for the department concerned to step in. For example, where a member of the forces is in an automobile accident in the course of his duties and an action is taken the crown has been assuming responsibility. Surely the same practice should be followed by the Department of Defence Production. The individual soldier does not have to pay damages if he was driving in the course of his duty. Here you have a similar case. The controller is carrying on in the course of his duty. The department should stand behind him automatically.

Mr. Howe: So we do. The purpose of this provision is to enable us to get good men and to permit them to act with courage. A controller taking over another man's business has a pretty onerous responsibility. We expect that man to exercise his best business judgment. If he makes a mistake the recourse is not against him; it is against the crown who put him there. I have often wondered if someone would not turn on the crown