

*Canadian Commercial Corporation Act*

By no stretch of the imagination does section 17 come within the purview of those words.

—and (b) to assist persons in Canada

(i) to obtain goods and commodities from outside Canada; and

(ii) to dispose of goods and commodities that are available for export from Canada.

I point out that section 17 again does not come within those provisions. Someone might suggest that subsection 2 gives that power. Subsection 2 reads:

The corporation shall comply with any general or special direction given by the governor in council or the minister with reference to the carrying out of its purposes.

The only power which the minister has is a direction to the corporation to do those things which come within the limitations set out under the side note of "purposes". Section 5 also might be read:

(1) The corporation may do such things as it deems expedient for, or conducive to, the attainment of the purposes set forth in section four of this act.

Therefore I suggest that that section will have to be amended before the new section 17 can be brought into being, because in no way are the purposes alike, analogous to or cognate with the purposes as set forth originally in the act. I suggest that this matter has not been considered by the law officers. It looks very much as though, having no place at all to go, they decided to do certain things under the Canadian Commercial Corporation Act, and sections were added which cannot be read as being within the purview of the purposes for which the act was set up. I suggest once more that the law officers be consulted, not those who are trying to get the powers and not those who might be willing to exercise powers they may have been granted by parliament without parliament having the power to grant them.

Mr. MacKINNON: The powers under which the Minister of Trade and Commerce is acting in connection with this legislation are those which were given to the Minister of Reconstruction and Supply and transferred from him to the Minister of Trade and Commerce. Up to and at the present time the employees of the Canadian Commercial Corporation have been acting as agents for the Minister of Trade and Commerce. As I have already said, this legislation has been before the law clerks of both the Senate and the House of Commons, and has been considered by the Department of Justice. I have no doubt they took into account the point to which reference has been made.

[Mr. Diefenbaker.]

Mr. DIEFENBAKER: That still does not meet the point. No doubt they did. But there have been other occasions when the same answer has been given, and when it was later found not to be the fact. I am trying to be helpful, and I want to find out if we are not being placed in a position of passing an amendment which is inapplicable. As a matter of fact, the minister says he is acting under powers which the Minister of Reconstruction and Supply had and which had been transferred to him; yes, transferred under an order in council, whether the minister had power to transfer or not.

Mr. MacKINNON: Under the Transfer of Duties Act.

Mr. DIEFENBAKER: Yes, under the Transfer of Duties Act, but that still does not cover this situation. The order in council no doubt covers the situation exactly. Has the minister the order in council? If so, will he read it?

Mr. MacKINNON: Does the hon. member wish the whole order in council read? It is not very long.

Mr. DIEFENBAKER: Yes.

Mr. MacKINNON: I shall leave out the heading. It reads as follows:

Whereas by virtue of the provisions of the Department of Reconstruction and Supply Act, 1945, and the Department of Munitions and Supply Act, the power, duty and function to buy or otherwise acquire, manufacture or otherwise produce munitions of war or supplies and construct or carry out projects required by the Department of National Defence is vested in the Minister of Reconstruction and Supply;

And whereas it is expedient and in the public interest that such power, duty and function should be transferred to the Minister of Trade and Commerce on February 1, 1947;

Therefore His Excellency the Governor General in Council, on the recommendation of Right Hon. W. L. Mackenzie King, the Prime Minister, and under and by virtue of the provisions of the Public Service Rearrangement and Transfer of Duties Act, is pleased to order and doth hereby order that the power, duty and function vested in the Minister of Reconstruction and Supply under the Department of Reconstruction Act, 1945 and the Department of Munitions and Supply Act, to buy or otherwise acquire, manufacture or otherwise produce munitions of war or supplies and construct or carry out projects required by the Department of National Defence be transferred to the Minister of Trade and Commerce on the first day of February, 1947.

His Excellency in Council is further pleased, hereby, to authorize the Minister of Trade and Commerce, for the purpose of carrying out such power, duty and function to make use of the services of the officers and servants of the Canadian Commercial Corporation and to authorize such of the officers of the corporation as he may select to sign documents on his behalf.