

Emergency Powers Act

the smiles on the faces of members of the government and because everybody on the other side says it is perfectly safe to entrust them with any power at all.

That is the only argument that has been put forward. I do think, if not out of respect to the members of this parliament and the people who elect them, the members on the other side should out of respect to the traditions of our parliamentary system insist that we have some understandable explanation as to why this act should be passed, instead of having it just dropped in our lap with the remark, "Here, take the act; we have a majority and it is going to go through."

Mr. MacInnis: Mr. Chairman, I think most members of the house like myself who have not had legal training must feel a little confused with all the legal explanations that have been coming from both sides of the house during the last day and a half. I feel something like the coloured gentleman who was arrested for stealing chickens. There seemed to be a pretty definite case against him. A friend of his met him on the street a few days after when he thought he should be in jail, and he said, "Rastus, didn't you steal them chickens?" Rastus said, "I thought I did until I heard my lawyer talk to the judge." That is about how I feel in connection with this Emergency Powers Act.

I think we have had some clarification in the last few minutes, and now some of us understand it better than we did before. We realize that what we are doing here is giving the government powers equal to those of parliament, with the few exceptions that have been mentioned by the Leader of the Opposition and others—very minor exceptions I would say. Those powers may be exercised when parliament is in session as well as when parliament is not in session.

Why should we give the governor in council the power to do things that would ordinarily be done by parliament when it is in session? The Emergency Powers Act would be more sensible and logical if it provided that the government should only exercise these powers when parliament was not in session. Then when parliament was called the powers given to the government by the Emergency Powers Act would lapse and parliament would again become supreme. Then it seems to me the government would be on much stronger ground in asking for powers of that kind. There would be much greater certainty.

I do not profess to have all the fears that members of the official opposition have that the government may misuse its powers. Of course there is always the danger that a

government may misuse its powers; but fortunately, as things are now, if members of the official opposition were on the other side of the house and the members of the government were on this side I do not think I would have any greater fears that they would misuse their powers.

But there is always that danger that a government may do so, and the more a government becomes accustomed to having powers without continual control by parliament the more the danger is increased. There may be no merit at all in what I have said; nevertheless I think it would be much better if the government had the right to exercise such powers, in times that are somewhat critical, when parliament is not in session and then when parliament convened the Emergency Powers Act would lapse until such time as parliament was again not in session.

Mr. Noseworthy: I want to ask the minister one or two questions. They may have been cleared up and I may have missed the answers, although I have been trying to follow the debate as closely as possible. Will the minister outline to us just what situations have arisen during the past two years wherein the interests of the country would have suffered if the government had not possessed these powers? In the second place, will the minister outline to us definitely what situations he visualizes may occur that will demand the exercise of these powers by the government when they could not possibly be exercised by parliament or by calling parliament?

Mr. Garson: In reply to my hon. friend's questions, may I say that the orders in council that have been passed themselves indicate that no facts have arisen during the past two years which would make the possession of the powers covered by this statute absolutely essential. But I thought I had rather made clear, indeed had laboured the point on two or three occasions previously, that the nature of emergency powers is this. Where a government is in the emergency of apprehended war or the emergency of the changeover from war to peace, which was the basis of the National Emergency Transitional Powers Act, the necessity for the executive government having these powers arises from the fact that unforeseen need for their use can arise. The mere fact that need has not arisen during the preceding year or two years is no guarantee at all that it may not arise two days from now, two weeks from now or a month from now.

Let me take a concrete example. Within the next year and a half—I think before August, 1954—we have to have a general election in Canada. Having regard to the