

Defence Production Act

An hon. Member: Any interruption kills time, you know.

Mr. Knowles: Time is not of the essence.

Mr. White (Hastings-Frontenac): An investigator may, in writing, with the approval of a judge of the Exchequer Court of Canada or of the supreme or superior court or a county court of any province, obtain an order whereby he may enter and search, if necessary by force, any building, receptacle or place for books, records, documents or things that may contain or give information required for the purposes of an inquiry under this section and seize any books, records, documents or things and carry them before the investigator or such other person as the investigator may direct, to be held at the discretion of the investigator for the purposes of the inquiry.

That is just another very extreme procedure. We found in this country during the war, under the regulations and rules of the wartime prices and trade board, that department employed a whole army of investigators who invaded every corner and country store. People who were charged with a little authority became autocratic and petty tyrants, something that always follows when authority is delegated to some people. An examination of this act, which grants powers so broad that it is perhaps impossible to define them, indicates that the minister has almost unlimited powers in many things. For instance, the interpretation section under paragraph (i) defines essential service as meaning the carrying on of any commercial activity. Surely that is very broad. It states:

Any commercial activity including the generation or distribution of electrical energy, designated by the governor in council under section 30 as an essential service.

Under section 5 of the act—

An hon. Member: Four.

Mr. White (Hastings-Frontenac): I do not know if the hon. member who says "four" has ever read the act, but I suggest he do so. I do not know who made the comment. I would suggest he read the act, and then have the guts to get up in the house and say whether or not he approves of that act and whether he is willing to go back to his constituents and tell them exactly the terms of that act. If he wants to do that, let him go ahead.

Mr. Gauthier (Porineuf): He was paging the Leader of the Opposition.

Mr. Howe (Port Arthur): Keep your blood pressure down.

Mr. White (Hastings-Frontenac): Under section 5 the minister may authorize any person [Mr. White (Hastings-Frontenac).]

on his behalf and under his control and direction to do any act or thing or to exercise any power that the minister may do or exercise under this act. There is no safeguard as to whom the minister may appoint. He may appoint any person, whether or not he is qualified and whether or not he is capable of carrying on the business or whatever it may be. This is just another example of the very wide powers given to the minister under this act.

Under section 19 the minister has still wider powers. He can cancel any contract. Apparently contracts mean very little, because section 19 provides:

No person is entitled to damages, compensation or other allowance for loss of profit, direct or indirect, arising out of the rescission or termination of a defence contract at any time before it is fully performed if it is rescinded or terminated pursuant to a power contained in the contract or pursuant to a power conferred by or under an act of the parliament of Canada.

Under section 27 which gives the minister the power to appoint controllers, subsection 2 contains this rather peculiar provision:

Where a controller has been appointed to carry on a business or a part thereof, he shall be deemed to be the agent of the owner thereof for the purpose of carrying on the business or that part thereof, except that the owner shall not have any right to control the business or that part thereof—

And so on. It would seem to me that here the controller is being made the legal agent of the owner, and there might be a question as to whether the controller could not make the owner liable in a civil action for the acts of the controller. Section 28, which is very broad, reads:

The governor in council may, by order, direct that a person shall not be bound by any obligation, restriction or limitation imposed on that person by or under any statute, order, rule, regulation, by-law, or contract with respect to such matters as may be specified in the order affecting the entry into or performance of a defence contract by that person or the carrying out of an order made by the minister under this act.

It could easily happen that this could interfere with certain municipal and provincial rights, but again under the very broad powers given to the governor in council and the minister under the present act they would be relieved of any liability. As I said at the beginning, the amendment moved by the hon. member for Royal—

An hon. Member: Where is he?

Mr. White (Hastings-Frontenac): Don't worry; he will be here when the vote is taken.

An hon. Member: When will that be?

Mr. White (Hastings-Frontenac): Don't be alarmed about that.