

*Emergency Powers Act*

this legislative measure enacted in secret and retained in secrecy, and which apparently is just as much the law of the land as any measure enacted in the house by the open and democratic processes of parliament.

There is another aspect of this matter that is deserving of comment if there are any hon. members on the other side of the house who have some respect left for parliamentary processes. The hon. member for Rosetown-Biggar made reference to it this afternoon. He indicated that he had been under the impression that no order in council had been passed under this legislation while parliament was in session. I think that has been adequately corrected now. The fact of the matter is that orders in council were passed under this measure while parliament was in session. Actually the orders passed in 1951 were all passed while parliament was in session. It happened that parliament was adjourned when two of the orders in council, I believe, were passed by the government. Parliament was technically sitting but happened to be adjourned at the time. But the others in 1951 were all passed while parliament was actually sitting here right in this chamber.

Is anyone going to rise in his place in the house and say that under the conditions existing in this country today it is proper that the government should make legislation by order in council while parliament is sitting? If there is any hon. member who believes that is proper, then I hope he will take advantage of the opportunity to declare himself in this debate before it reaches its conclusion. We of the official opposition say that parliament is the place where the laws of the country should be made, in open, public assembly, where the people of the country can observe their representatives, where they can make their views felt and heard in the way that is open to citizens of a free country, by communication with their elected representatives in parliament, through opinions expressed in the press and in other ways.

Those methods, those guarantees of democracy are denied where legislation is passed in secret by a cabal, a little group of men, who do not even in one conspicuous case take the trouble to make known to this parliament that they have proceeded to enact legislation. Surely, except in time of grave national crisis, time of war or something equivalent to it, there can be no possible justification, Mr. Chairman, for legislation being made by a little group of men called the cabinet, behind closed doors and in secret—legislation that is just as binding on the people of this country, in the light of

[Mr. Fleming.]

the unfortunate decision of the privy council in the Nolan case, as any legislation passed in this parliament. Anybody who violates that secret law is just as liable to the sanctions of that law as anyone who openly violates a known law.

What possible justification can there be, Mr. Chairman, for making secret laws while parliament is in session, and then proceeding to enforce upon the people of Canada laws that are secret? No, Mr. Chairman, there can be no justification under conditions such as exist in this country today for proceeding in that reckless and utterly undemocratic method.

What essential difference is there between that method and the method of fascism? The method the government is seeking to defend is the method that was practised by the fascists. Here we have, Mr. Chairman, open to the people of Canada a democratic parliamentary method of making laws in the open, right here in this chamber and in the other place. Then let us use parliament for the purpose for which parliament was intended, the making of legislation, and not have that done behind closed doors even while parliament is in session.

Is there any justification, Mr. Chairman, for now vesting sweeping powers in this government? An eminent gentleman who is a leading figure in the business world in this country, and who was a leading member of the group of men who helped to administer controls in this country during the war, very recently made a statement from which I shall read. Not very long ago Mr. J. Gerald Godsoe, speaking before the Windsor chamber of commerce, said:

The all-powerful state is the easiest to create and once created the hardest to destroy.

I think, Mr. Chairman, those are weighty words deserving of our consideration. He added this:

Scarcely a week passes without some group of people or some organization pressing one or other of our governments somewhere in Canada to undertake some new project for spending public moneys or to embark upon some other form of paternalism. Businessmen have been as imprudent as anybody else in this respect and all too frequently have gone running to government to seek some redress or some remedy when the answer, if the problem were tackled with some enterprise, could well have been found in the hands of business itself.

Mr. Chairman, the government does not need any more power. There is no justification for anyone coming forward now and proposing that the government should be given more power. This government has all the power it needs—yes, and a great deal more than it needs; more than is healthy in the interests of this government.