

circumstances, even in the field of credit one can envisage both the federal authority and a provincial authority enacting legislation which could remain operative so long as it entailed no conflict between the provinces and the dominion. If a clash should occur, of course the federal authority would override the other.

The honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) referred to an Alberta case decided in 1938. In a more recent judgment that of the Privy Council in 1947, the right approach to the consideration of this question is clearly spelled out. I refer to the case of *Attorney General of Ontario vs. Canada Temperance Federation*, Dominion Law Reports (1946), volume 2. What the court stated in dealing with the Canada Temperance Act applies equally here:

In their lordships' opinion, the true test must be found in the real subject-matter of the legislation: if it is such that it goes beyond local or provincial concern or interests and must from its inherent nature be the concern of the dominion as a whole (as for example in the *Aeronautics Case* . . . and the *Radio Case*) then it will fall within the competence of the dominion parliament as a matter affecting the peace, good order and good government of Canada, though it may in another aspect touch upon matters specially reserved to the provincial legislatures . . .

True it is that an emergency may be the occasion which calls for the legislation, but it is the nature of the legislation itself, and not the existence of emergency, that must determine whether it is valid or not.

So far as I am concerned I do not think that there is any constitutional question. There is no doubt as to the right of the federal parliament to enact this legislation. Rather, to my mind, the question is, first, as to the necessity of it; second, whether it should go as far as it does; and, third, whether the federal government is doing something which is an abuse of its authority and, under the guise of that authority, is encroaching upon the provincial field? I think that if you apply those three tests you will have to come to the conclusion that the Parliament of Canada is dealing with a problem which is national in scope.

We members of the Canadian Parliament have obligations as respects Canada's membership of the United Nations; we have obligations to our own people; we are influenced by our concern for their safety and welfare. The problem is plainly a national one; and while we are not talking in terms of war, or apprehended war, the protection of the state and the prevention of war demand that we put our defences in order. Often one has to fight harder for peace than for war. The so-called police action which is going on in one part of the globe cannot, from the point of view of any member of the United Nations, be called war: nevertheless,

people are fighting. One has to keep in mind the underlying purpose, which is to guarantee for the free peoples of the world the right to live and conduct their affairs and practise their religion in a manner acceptable to them as socially-minded and cultured human beings.

As far as this legislation is concerned, there is no use fooling ourselves; it means control. To restrict consumer credit is a measure of control; but, as the government see the matter, under the circumstances it is essential for the protection of our economy at this time. They propose to control and regulate the production and use of essential materials and supplies, because in their opinion it is necessary to do so.

Frankly, I am not sure that this measure will accomplish all that is expected of it. If the present situation continues, it will inevitably lead to price, wage and rent controls. We shall revert to all the controls which attained their full bloom and vigour in the last war. This legislation marks the beginning of a trend. We cannot for long go on doing the things which the government proposes in the pattern of legislation before us without inevitably reaching a point where more stringent measures of control will have to be applied.

Hon. John T. Haig: First, I would congratulate the honourable member for Toronto-Trinity (Hon. Mr. Roebuck) on his very able presentation, and the honourable member from Rosetown (Hon. Mr. Aseltine), who certainly expressed the reactions to this legislation of the small man throughout the country. When the honourable senator from Toronto-Trinity began his speech the gallery was full; half way through, it was empty. I do not know whether this was because it was such a good speech or such a bad speech. At any rate, the audience disappeared.

An Hon. Senator: Perhaps they heard that you would follow him.

Hon. Mr. Haig: I think this legislation will effect some reduction of purchasing power. It is not my intention to criticize it, except to the extent of saying that I do not like the sort of legislation which confers power on the government to make regulations and to prescribe punishments for breaches of those regulations. I think that is a wrong principle altogether. The honourable senator from De Lorimier (Hon. Mr. Vien) did not follow up his objections with a speech, as he might have done; but he has indicated a method of procedure which none of us likes.

I agree with the honourable member for Toronto-Trinity (Hon. Mr. Roebuck) that legislation of this kind may be necessary, but also I agree with the honourable member from