

*Emergency Powers Act*

the hon. member for Lake Centre took part in the discussion. We collaborated across the floor of the house in drawing up that subsection of the Emergency Powers Act.

The result is that we have in the Emergency Powers Act a code of limited emergency powers which can be exercised only upon the condition that whenever an order in council is passed it shall be tabled immediately and be available to members of the house. Then an hon. member may bring into parliament at once a resolution to annul any such order in council, to which resolution priority will be given by any necessary waiving of house rules so that it could be considered promptly by parliament.

I do not like disagreeing with the hon. member for Vancouver-Quadra; but he brushes off these provisions as being of no account, and says, "of course a private member could not hope to attack these orders in council with any success". I suggest that the rights of a private member in relation to such annulment proceedings are just as broad and powerful as they would be in relation to any piece of government legislation. In other words, if he could by his argument command a majority of the membership of the house he could succeed in getting it annulled. If the government brings in a piece of legislation and the opposition are able to persuade a majority of the members to vote with them, that legislation can be defeated.

**Mr. Diefenbaker:** I am going to deal with the last observation immediately because the minister apparently thinks we are rather naïve. The act provides:

If the Senate and House of Commons within a period of forty days, beginning with the day on which any regulation is laid before parliament in accordance with subsection four and excluding any time during which parliament is dissolved or prorogued or during which both the Senate and the House of Commons are adjourned for more than four days, resolve that it be annulled, it shall cease to have effect.

That, Mr. Chairman, is not very much of a defence of the rights of the subject. I carry my mind back over the period that I have been a member of the house, and I only know of two individuals on the government side of the house who have ever voted in any way against the government of the day. You see, this section means nothing. This is a protection as non-existent as if it were not on the statute books. What would happen? The minister says that any member can introduce a resolution to set aside what has been done by the government in this way. One just has to mention the possibility of such a motion being brought before the house to know what the result would be. That is no defence of the subject.

A few minutes ago, the minister went a long way further than he has ever gone, when he said that if they used the powers of exclusion, deportation, arrest without warrant and detention they would be doing things detrimental to civil liberties. Indeed he said there would not be any civil liberties left. Well, the minister will recall that in 1945 and 1946 this government did just those things.

**Mr. Garson:** But not under this act.

**Mr. Diefenbaker:** Not under this act; but now I come back to the next question he raises, the question of the War Measures Act. That is not an alternative. Any one of these five orders in council could have been passed by order in council under the residuary powers of the crown. On the one hand the government take the stand: Well, we are asking for terrific powers but we are not going to use them. This is a beneficent government composed of members who will never use such power. On the other hand, they say: We need power. I am going to give the minister the opportunity to tell me whether or not the government would have the following powers under this legislation: power to take over every telegraph and telephone company in Canada, to confiscate the private radio stations of Canada, to take over private air lines including Canadian Pacific Air Lines, to direct every business in Canada, productive, export and import, to direct the sale of every farm product of Canada in their own way as determined by an omniscient government.

Are those not the powers you ask for under this legislation? If you admit that they are—and I cannot see how you can contradict it, because you have power to do almost anything under the sun except deal with deportation and censorship—what do you need these powers for? If you need these powers we are in such a dangerous situation as to amount to war itself. If we are, then why do you fear the use of the War Measures Act? I ask the minister: Would you not have all these powers and would you in the exercise of them not be supreme in any court as long as you had the declaration that there was an emergency and that declaration had been made by parliament?

That is a simple question setting forth in large type, you might say, the powers for which you ask. I say those are the powers for which you ask, and no parliament has any right to give them to a government, particularly when the only challenge is the challenge of parliament. The minister knows and I know that any member introducing a