

*Defence Production Act*

(Translation):

**Mr. Leon Balcer (Three Rivers):** Mr. Speaker, through this bill the government would have us continue those immense powers granted by the Defence Production Act of 1951, and not only for one year, two years or five years, but indefinitely.

As everyone will recall, this act of 1951 had been passed at the time of the crisis resulting from the war in Korea, in the face of an emergency, and even then the opposition had made some well-advised reservations. At that time hundreds of thousands of communist Chinese were pouring across the North Korea boundary and casualties among the United Nations troops were running into the thousands. The situation had really become disastrous, and the free world was keeping an anxious eye on the battlefields in Korea.

Fortunately, today, while the world situation remains unsettled, we can rejoice at a considerable improvement. The situation in Korea has been stabilized and Western Germany has regained its sovereignty and freely joined the organization of Atlantic nations. Western nations are now experiencing their greatest boom since the beginning of the 1939-45 war.

For that reason, an atmosphere of relief can be felt throughout the world. Instead of living in an atmosphere of tension and emergency, as in 1951, those who are responsible for the defence of this country now have time to plan the co-ordination of our defences and do not have to take action in the midst of a crisis or emergency which is getting worse day by day.

No doubt, because of the cold war and the dangers of aggression from Soviet Russia and its satellites, our country has to assume obligations which warrant the existence of a department of defence production whose job it is to look after the procurement and production of supplies needed for our armed forces, without, however, jeopardizing the whole economy of this country.

But if Canada's obligations in the international field justify the existence of such a department, they certainly do not warrant the fantastic powers which the government seeks to have renewed and forever included in the statute books.

The government seems to have forgotten altogether that there is still a parliament in Canada. Of course, there are times when parliament is not sitting, but we should keep in mind that the house is in session from six to eight months a year, and that within the last five years the house has been known to sit

for some ten months. Moreover, members may be required to convene here at any time, at a few days' notice. Why should all these extraordinary powers, which may have such impact on the economic life of the nation and even on the dearest rights of individuals, be withdrawn from parliamentary jurisdiction?

The minister may say that he needs such powers to face any emergency that might occur; but it is precisely in order to face this emergency that the War Measures Act has been included in the statute books.

At any rate, nothing in the present outlook can justify the enactment of a measure which would delight the most autocratic of dictators, especially in a democracy such as ours.

The members of my party who have spoken previously have shown eloquently the dangers which would threaten our parliamentary system if such powers were granted to the Minister of Defence Production (Mr. Howe). The member for Prince Albert (Mr. Diefenbaker), with all the logic for which he is known, has very ably shown how dangerous such legislation would be for the individual citizens.

As for me, I should like to use the few remarks I wish to make to protest most strongly against some particular sections of that legislation. I would refer first of all to section 28, which reads as follows:

28. (1) 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.

(2) Where the failure to fulfil any contract, whether entered into before or after the 1st day of April, 1951, is due to the compliance on the part of any person with any provision of this act or any order or regulation, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

That section is a breach of the Canadian constitution and it certainly cannot be said that the present government did not do all it could to tear apart our constitution. It has become a matter of habit for the hon. members opposite.

Section 28 grants the governor in council the power to annul the obligations placed upon the citizens by provincial laws. Nobody can deny that in this case provincial rights are being placed in the hands of a federal minister, who is given powers, truly arbitrary in nature, which go against the spirit of confederation.

It simply means that the federal cabinet can annul a purely provincial law merely by passing an order in council.