

Emergency Powers Act

go into supply members can rise to air grievances and move amendments if they so desire. They can discuss these things on the floor of the house. The objection to the War Measures Act, to which all of the great eloquent remarks of the hon. member for Lake Centre today would have a very apt application, is that the powers contained therein, which are much wider than those in the Emergency Powers Act, can be exercised by the government without reference to parliament at all.

On the other hand when the powers under the Emergency Powers Act are exercised by order in council that act provides that the orders in council shall be tabled almost immediately and not, as the Leader of the Opposition said yesterday, some long time afterwards. Section 2, subsection 4, of the acts reads as follows:

In respect of a regulation made under this act, the period for laying a regulation before parliament under section 7 of the Regulations Act is (a) five days after the making of a regulation if it is made by the governor in council—

Every order in council which we pass under this act must be laid on the table of parliament within five days. It is then before parliament. It appears in *Votes and Proceedings*. It goes downstairs to the parliamentary papers branch where the text of it can be examined. Then if any member of the opposition objects to the terms of it or thinks that it represents an excessive or improper use of these powers that have been granted by parliament, he can take annulment proceedings under subsection 5 of the same section 2. Subsection 5 reads:

If the Senate and the 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 4 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.

So this great speech of the hon. member for Lake Centre we have heard this afternoon about the powers of parliament having been abrogated, repudiated and torn to pieces is not only not true but is the very antithesis of the truth. My hon. friend proved that himself by his interjection a few moments ago when he said, "Could you not use the War Measures Act?" Of course we can use the War Measures Act, and if we used the War Measures Act parliament would not have anything to say about it. The purpose of this legislation is to uphold the very things for which my hon. friends say they stand but which they either do not have the intelligence to understand—

Some hon. Members: Oh, oh.

Mr. Green: You do not have to be abusive.

Mr. Garson: —or the integrity to support when they get the opportunity.

Mr. Diefenbaker: We do not want to enter into a discussion of intelligence because after all the minister is omniscient and omniscient.

Mr. Garson: We are in fact at the present time, and every intelligent person in the free world knows, regardless of what the hon. member for Lake Centre, the hon. member for Vancouver-Quadra, the hon. member for Kamloops or any other member of the opposition may say, that we are in fact in a very serious world emergency of apprehended war. We could invoke the War Measures Act. But the whole purpose of this Emergency Powers Act is to provide those emergency powers which we should properly have, which the government of Sir Robert Borden said in 1914 that any government in power during a time of war emergency should properly have, and which every government since, whether Conservative or Liberal, has left upon the statute books. Even in times of peace the War Measures Act has never been changed. We are proposing, by means of this emergency powers legislation, to have these emergency powers upon such terms that the actions taken under them shall be immediately laid before parliament so that they can certainly be reviewed by parliament and, if parliament so decides, they can be annulled by parliament.

Mr. Green: Mr. Chairman, I think we are beginning to get down to the roots of this matter. It is perfectly clear from what the Minister of Justice has said that the only measures dependent on this act today which are of any importance whatever are those dealing with screening seamen on the great lakes and screening pilots and radio "hams". I suggest to you, Mr. Chairman, to the house and to the Canadian people that these particular measures should be placed on the statute books if they are required. This whole business seems to me to be a case of half a dozen communists bringing about a great diminution in the value of parliament in this country. In other words, in order to be sure that we catch a handful of communists we are cutting down the rights of parliament in a most drastic fashion.

The Canada Shipping Act could be amended to deal with merchant seamen on the great lakes if the government had the courage to amend it. Instead of the government facing the problem in the open, as it should have done, it has passed an order in council under the Emergency Powers Act behind closed doors which is enabling the police to screen seamen who want to work on the great lakes.