

*Foreign Exchange Control*

sections and the remainder would be handled by regulation. The hon. member for Lake Centre referred to the British measure as being passed by a socialist government. Let me tell the committee that in England the foreign exchange control provisions are still being administered under emergency powers enacted by the previous government, which was not a socialist government. They have not brought into parliament a special statute as we have here, subjecting the board to the control of the minister, in that case the chancellor of the exchequer. This measure is an attempt to combine the doctrine of ministerial responsibility to parliament with the wide administrative discretion which must be given to a board to exercise powers which we believe are in the interests of the Canadian people.

Mr. HACKETT: In Britain are the powers not exercised under a statute which was passed by the present government?

Mr. ABBOTT: No; I am informed they are powers which were exercised under emergency orders in council, or whatever is the equivalent over there, passed under the Emergency Powers Act, enacted by the previous government.

Mr. HACKETT: By act of parliament.

Mr. ABBOTT: Just a short enabling bill of two or three sections. It is all covered by regulation. As I say, if we had followed the practice there we would have brought in a short bill of two or three enabling sections and then done it all by regulation. Instead of that we have brought in a bill in which we are trying to spell out in as complete terms as possible the powers which we believe the board should exercise. In a measure of this kind it is obviously easy to point out that broad powers are conferred on the board. My answer is that the powers must necessarily be broad. The very essence of exchange control is control. It is unfortunate that we must have control; nevertheless I am profoundly convinced, and the government is convinced; in view of the conditions under which the world finds itself to-day, it is essential unless we are to leave the thing wide open. I dealt with that yesterday. We have to provide working machinery to do it. That is what we are trying to do in this bill.

Amendment (Mr. Diefenbaker) negatived on division.

Section agreed to.

Section 36 agreed to.

[Mr. Abbott.]

On section 37—Appeals.

Mr. DIEFENBAKER: In the matter of appeals, Mr. Chairman, it is all very well for the minister to brush the matter aside and say you must have power, and you must have unnecessary power, in order to carry out the provisions of the law; but I do ask the minister to give consideration to this matter. He has spoken of the situation in Great Britain. In that country since the war, under the present government—and you can follow this through day by day—when any matter has come before the House of Commons involving wartime restrictions against appeals, invariably those restrictions have been removed, to the end that the subject may be assured an opportunity to secure justice. Look at this section. It provides for an appeal to the minister against every matter, order or declaration made by this board, and that when an appeal is made from the employee of the minister to the minister, the decision of the minister shall be final. In 1930 a committee of the British parliament was set up under the chairmanship of the lord high chancellor with a view to looking into this whole question of the maintenance of the right of appeal to the courts; and I cannot conceive of any justification for an arbitrary declaration of a board not being subject to appeal to the courts. In that there is nothing which would interfere with control; for if the decision is legal it will be upheld. If on the other hand it is illegal, the order of the board never should have been made and should be reversed. The only reason for which an appeal can be opposed is that the board is afraid that on appeal its decisions might not be supported; and in these days when it is so necessary to assure a degree of justice to everyone, and to assure that justice is done, I submit that the opinion expressed not too long ago by the lord chief justice of Great Britain is applicable and pertinent at this time. He said:

Amid the cross-currents and shifting sands of public life the law is like a great rock upon which a man may set his feet and be safe, while the inevitable inequalities of private life are not so dangerous in a country where every citizen knows that in the law courts, at any rate, he can get justice.

I appeal to the minister on this matter. I know he has the support of the majority behind him in whatever stand he takes; but I suggest that where, as in this act, the servant if he acts illegally may indeed be the master and where there is no supervisory jurisdiction on the part of the courts of the land against arbitrary or illegal interference with rights, what is followed in Great Britain might well