

Public Works Act

tive. All such moves of the kind should be resisted, no matter how innocent the purpose is represented to be.

That is what we did yesterday in connection with that other measure and that is what we are seeking to do now, resisting moves which whittle away the authority of parliament. As it now stands, parliament by statute has determined that contracts may not be let without tender if they are for an amount of \$5,000 or more. I will take the Minister of Public Works at his word that it is the government's intention under section 39 of the Financial Administration Act to pass an order in council fixing an appropriate amount. We do not know what that amount will be. Maybe the order in council will specify \$5,000; maybe it will specify \$10,000, maybe the figure will be higher, but whatever figure is specified in the order in council it can be changed the next day, the next week, or the next month by another order in council. In other words, for all time the determination by statute as to what that ceiling will be is to be taken away from parliament. Once again, on Saturday as on Friday, the powers of parliament are being whittled away.

The one other point I wish to make is that section 39 of the Financial Administration Act, which is noted as being a new provision, is of general application. It deals with contracts. In other words it is wider in its scope than the matter now before us, because it covers all contracts. I gather that there will be an order in council laying down the general principles with regard to the calling of tenders for contracts of all kinds, including the execution of works, the purchase of materials, and what have you. What is before us in the Public Works Act is not the whole broad field of contracts; it is simply one section of that field, namely the execution of works. That has been in the statute for a long time, and wherever public works are to be executed the law passed by parliament lays down at what point tenders must be called.

I submit that even after an appropriate order in council has been passed under section 39 of the Financial Administration Act laying down the general provisions for contracts as a whole, there is still room for a special provision with respect to contracts for the execution of works; and the place for that special provision is to be found in the Public Works Act. I submit that it is still important that parliament have the right to say at what figure there must be tenders with respect to contracts for the execution of public works.

So I support those who have urged the Minister of Public Works to withdraw this

bill. I do not mind if instead of withdrawing it he amends it to still leave subsection 2 of section 36 in, and amends paragraph (c) to change the ceiling from \$5,000 to \$10,000, let us say. But I do ask him not to do again today what he did yesterday in his capacity as Acting Secretary of State and take away from parliament the setting by statute of these ceilings which are so important.

We are getting altogether too much of this kind of thing. I am sorry to see our genial and very good friend, the Minister of Public Works, mixed up in it. He is not the Minister of Finance; he does not lay down these general practices and principles so far as contracts are concerned. I realize that he has probably been assured by the Department of Finance that this is perfectly in order, that this will be a reaffirmation of the tender system. The only way in which it is a reaffirmation of the tender system, if I may run the risk of repeating myself, is that it hinges on section 39 of the Financial Administration Act. The section is general in its terms; and it takes away from parliament for all time the fixing of the ceiling at which contracts must be let only after tenders have been called.

I say again that whatever may be the general provisions of any order in council passed under section 39 of the Financial Administration Act, we know that with respect to contracts for the execution of public works the statutory provisions such as we have had are gone. I urge the Minister of Public Works to retain that principle of fixing the limit by statute. Let him amend the bill and name in it whatever figure he thinks is reasonable at this time, but let us retain that principle.

Mr. George H. Hees (Broadview): Mr. Speaker, as has been pointed out by other speakers in this debate, the changes proposed by this bill would allow any minister for whose department a public work is required to declare that the calling of tenders for that work is impracticable and not in the public interest. He could then award a contract of an unlimited size without calling for tenders. In addition, he would not be required to submit the contract to the governor in council for scrutiny.

There is only one way to ensure that public works will be constructed at the lowest cost to the public, and that is by publicly calling for tenders. It is reasonable to exclude the types of contracts specified in subsections (a) and (b) of both the 1927 act and the present bill. I believe it is also reasonable, as pointed out by the hon. member for Vancouver-Quadra (Mr. Green), to raise the ceiling below which tenders need not be called from