

Anti-Inflation Act

the Canadian people to develop a consensus of something that is so inherently unfair.

I want to say a few words now about the bill itself because I have had some experience in the law, and this bill is a lawyer's dream. It is a beautiful exercise in the granting of discretionary power. Basically it provides for a board to be set up and allows it to do almost anything it wants—not by legislation but by order in council.

Mr. Knowles (Winnipeg North Centre): Or not to do the thing it does not want to do.

Mr. Leggatt: So in spite of the fact that we are all talking about certain guidelines referred to in the white paper, there is nothing to stop the board, within a week or two, or three weeks, from changing those guidelines entirely and bringing in a whole new program. It could be a program which would not be subject to scrutiny by this House, or which would do absolutely nothing in terms of allowing members of parliament to exercise judgment on whether the guidelines were fair or not.

It is the kind of sweeping power that I thought we had departed from following World War II when most of those involved in law welcomed the return to sanity in legislation. It was almost impossible for people who practised law during the war to find out what the law was. All sorts of people could be pushed around and their rights taken away. This bill will be the beginning of a return to that kind of arbitrary democracy, something that those who are concerned with individual freedom and rights have every reason to challenge.

In clause 44(1) the bill provides penalties, and the press has made a great deal of the fact that people can get up to five years in jail for an indictable offence. Let me read the relevant parts:

44. (1) Any person who,

(c) wilfully, in any manner, evades or attempts to evade compliance with any provision of this act or an order made by the administrator—

Wilfully is a very interesting word. It means that if you are going to put Mr. Weston in jail you have to prove that Mr. Weston wilfully broke the guidelines. Anybody who has done defence work will tell you that in a matter as complicated as setting prices and trying to relate them to unit costs it is almost impossible to establish *mens rea*. In fact the defences are so voluminous we could spend the rest of the night on them. The first question is: did he know what the cost of the product was? I doubt it. I doubt he knew all the elements in the cost of any particular item. You could make it a capital offence under this, but it would not make any difference. Five years is meaningless, yet we see newspaper reports to the effect that this bill is tough. It is not tough, it is just unenforceable.

I want to talk for a moment now about professional fees because I have had some experience with them as well. I do not make any apologies for lawyers who charge high fees because they work very hard for them. Anybody who suggests that controlling the minimum schedule of fees which lawyers charge will control their incomes does not know anything about the practice of law. If I were in active law practice this bill would not bother me, and it will not bother anybody else in that profession regarding the amount of income they can earn.

Mrs. Sauvé: What if he works doubly hard in that year? Answer that.

Mr. Leggatt: The lawyer has total control over his charges. His hourly rate can be based on the value of the work. Most real estate conveyancing in this country is based on a percentage of the value of the real estate. As the inflationary factor in the country affects the rising costs of houses and land, the lawyers just make more and more money. Their incomes are not going to be affected by this bill. They are getting off scot-free, but the poor are controlled. There is no way to control professional incomes successfully. Lawyers can even get around taxing off.

Mrs. Sauvé: I know how that can happen. You don't have to tell me.

Mr. Leggatt: I thought you would not mind hearing. It is quite simple. If you try to tax off a lawyer's excess income he incorporates a private company and funnels the income into that company. Clearly the sort of company I am talking about does not come within the guidelines, because it is small and because there are no employees. The result is that lawyers will not be controlled at all by this legislation.

● (2150)

An hon. Member: Tell us about the doctors.

Mr. Leggatt: The guys who work in the mill are controlled. I do not want to be too hard on my profession.

Mrs. Sauvé: We know all about lawyers. Deal with somebody else.

Mr. Gilbert: Yes, let's deal with the doctors.

Mr. Leggatt: How are doctors to be controlled under this bill? Doctors will face difficulties. If the bill attempts to control medical fees, but not medical income—and I suggest that this bill will not control income—doctors will pack twice the number of people into twice the number of waiting rooms and cut in half the time spent on each patient. That will be the result if we do not control doctors' incomes. As things now stand, you will affect only the quality of medical service provided to patients.

Mr. Peters: You will lower standards, and that's terrible.

Mr. Leggatt: It is interesting to compare figures. We talk about the inflationary effect of the horrible demands of the postal workers, who allegedly want 71 per cent over three years.

An hon. Member: What do you mean, allegedly?

Mr. Leggatt: All right. They want 71 per cent. But I tell you, the majority award provides for about 14 per cent a year over three years, a percentage which is only slightly larger than last year's inflation percentage. Clearly, suggestions that postal workers are to get fantastic increases are ridiculous. I think the offer is modest. Actually I think the postal workers will accept it, because they happen to be public spirited people like the rest of us here.

An hon. Member: That's why they are on strike.