

*National Energy Board Act*

● (1600)

**PRIVATE MEMBERS' PUBLIC BILLS**

[English]

**NATIONAL ENERGY BOARD ACT**

## PROVINCIAL REPRESENTATION AND SUNLIGHT PROVISIONS

**Mr. Ian Waddell (Vancouver-Kingsway)** moved:

That Bill C-204, an act to amend the National Energy Board Act (provincial representation and sunlight provisions), be read the second time and referred to the Standing Committee on National Resources and Public Works.

**Mr. Knowles:** Hear, hear!**Some hon. Members:** Hear, hear!

**Mr. Waddell:** Thank you, Mr. Speaker. I appreciate the applause from the whole House on Friday afternoon, especially from the hon. member for Winnipeg North Centre (Mr. Knowles).

Here in the midst of the first session of the Thirty-second Parliament I am fortunate enough to bring before the House a private members' bill which deals with the reform of an administrative tribunal. We have heard much from various members of the House this week about rights, the enforcement of rights, and about the use of the courts to enforce rights. It is true our courts do enforce rights and deal with many important matters and, as I will say later on in my speech, the courts generally have been upgraded in the last few years in terms of membership, appointments and salaries. Indeed, we have a bill before the House to deal further with that. But one area we have forgotten, the forgotten child of pending reform in the government, is the area of administrative tribunals. They are important bodies because they affect our everyday lives. They affect the everyday life of more people than the courts do, I venture to say. The courts try individual cases, occasionally pronounce on general principles and sometimes deal with important cases that affect our rights. But the administrative tribunals deal with such things as phone bills, the cost of our telephones, our airline tickets, the cost of our travel, what we see on television, whether it will be a Canadian or American program, a religious program or some other sort of program. Finally, they deal with the area of oil and gas and, ultimately, have an effect on prices, whether or not we export or retain our oil and gas and other energy resources. They are very important bodies.

As a matter of fact, Mr. Speaker, I can give you a long list of agencies. I will name a few of them to show the kind of agencies I am talking about: the Immigration Appeal Board, the Atomic Energy Control Board, the National Parole Board, the Unemployment Insurance Commission, the Canadian Transport Commission, the National Energy Board, the Canadian Radio-Television Telecommunications Commission, the Pensions Appeals Board and the Anti-Dumping Tribunal, to name a few. I could go on—the Labour Relations Board, the Tariff Board etc. They cover areas that affect people's day to day lives.

I want to deal with one specific board which I think is in need of reform, the National Energy Board. I think it is timely because there is a renewed awareness in this country of the impact of energy on our society and on our economy. Now is the appropriate time, in my view, to assess the procedural and legislative guidelines under which the National Energy Board will operate through the 1980s. I want to say a word about the history of the board before I go into the detailed provisions of my bill. The board was set up after the pipeline debate—not the pipeline debate in the last session but the pipeline debate of 1956, when the government tried to ram that particular bill through the House under closure. When Mr. Diefenbaker became prime minister he set up the Borden commission which in 1959 finally recommended there be a board called The National Energy Board. Thus the National Energy Board was created, and it is now 21 years old. The board was born before the Department of Energy, Mines and Resources was created. That is very important to know, because the board was given a dual role, a role as an administrative tribunal, that is, a regulator of applications for pipelines, for export of energy and so on, and a role as adviser to the ministry. This dual role has often got the board into trouble over the years and that is something I wish to deal with in my bill.

The board itself had no problem in the 1960s because there was no great energy debate during that time. At this point I will quote from an article by Elaine Dewar in *Canadian Business* in May, 1980, called "Groping in the Dark", which deals with the National Energy Board. In her article she quotes a statement by a high placed civil servant who was then on the Energy Board as a staff member. He describes how the NEB worked then:

A major role was to go on hands and knees to the U.S. government and get it to take more exports . . . That's what everybody wanted.

Indeed, that was the story of the 1960s. Then oil was discovered in Prudhoe Bay in 1968 and in the Canadian Arctic in 1969. In 1970 the Board gave an energy forecast and the minister—then Mr. Greene—said we have oil and gas for hundreds of years. A year later the Board said that was wrong; we did not have oil and gas for hundreds of years and we would run out in 1991. Later on they said we would run out of oil in 1982. People began to criticize the Board and as the energy debate heated up over the Mackenzie Valley pipeline, over the Alaska highway pipeline and over the exports of gas there were more and more hearings before the National Energy Board.

As hon. members will recall, in the last session of the House of Commons there were many questions about the controversial NEB decision on the Quebec and maritimes pipeline. The NEB, as I said, has been subject to much criticism. I intend to read some of that criticism.

In a 1977 study of the National Energy Board, Alastair Lucas, from the University of Calgary, and Trevor Bell published a report on the board for the Law Reform Commission of Canada. They claimed the NEB was unduly influenced by government and that its advisory and regulatory roles were in conflict. A list of some 28 government committees upon which