

*Canada Post Corporation Act*

certainty as to what exactly were the intentions of the Post Office. This is why we felt that first it was essential the legislation be much more specific in terms of what the powers of the government would be; and, second, that it curb the ability of the government to act simply by regulation to extend the Post Office monopoly. What members on this side of the House are asking tonight is that the government give assurance to Canadians that it will put its cards on the table, that it will make it clear what the plans are it has for the Post Office and that the government will insure that if there are to be major changes in the way in which the Post Office is to function in the future, the government will come back to Parliament to ask for authorization for those changes. The government should make it very explicit to Parliament at such time that this is what the government intends to do, rather than simply asking for *carte blanche* to change the operations of the Post Office in future as it sees fit.

As hon. members can imagine, the ability in the bill as it was originally worded, for the post office simply to sweep in under its monopoly the whole of the telecommunications industry in Canada was a matter of great concern, not just within the industry, but to any Canadian who believes the whole function of Parliament is to defend the rights of Canadians, and the responsibility of Parliamentarians is to know what they are voting for at the time they pass enabling legislation. It is simply not good enough for Parliament to pass broad enabling powers for the government, allowing it to do things, by regulation, which have never been discussed in Parliament at the time the legislation was first considered. This is why our committee felt the government should have gone further than in fact it did.

I would like to refer hon. members of the House tonight to the sixth report of the Standing Joint Committee on Regulations and Statutory Instruments. Unfortunately, there has been very little discussion of the report in the House of Commons. It will be useful as we discuss the amendment moved by my colleague from Mississauga to recognize what the standing committee recommended. On the first page of the sixth report, in paragraph 4, we read:

The Postmaster General has tabled amendments before the Miscellaneous Estimates Committee which would provide a statutory definition of "letter" and a specific exclusion from the Corporation's monopoly of "letters in the course of transmission by electronic or optical means".

Then the committee quoted what the amendment stated. Incidentally, it is identical to what has been moved tonight by the hon. member for Mississauga South.

The committee report goes on as follows:

These amendments have allayed many, but not all, of the fears of the telecommunications carriers. By reference to the definition of "transmit" in clause 2 of the Bill, the exclusion proposed by the Postmaster General in the new clause 15(1)(h) amounts to an exclusion for letters in the course of their sending from one place to another by electronic or optical means. The Postmaster General was clear in his evidence before your Committee that he wished to maintain the postal monopoly over what are commonly called hard copies before and after transmission of any information or messages by electronic or optical means. However, he spoke in terms of letters as traditionally understood and not in terms of "letters" as they will now be defined.

By that, the committee was referring to the definition which is proposed by my colleague tonight.

● (2020)

The report also reads in part:

It appears that the actual electronic transmission of information cannot be a letter at all because it has no mass. However, it must be assumed to be included within the new definition of "letter" because it will be specifically excluded from the monopoly over letters by the proposed Clause 15(1)(h). Your Committee notes that there are misgivings amongst telecommunications carriers about the precise effect of Clause 15(1)(h) on their ability to provide a fast and efficient service, including messenger delivery of hard copy, to those who wish to transmit messages by what is popularly known as electronic mail. Just when electronic or optical transmission begins and ends seems to be uncertain. However, as Clause 15 stands outside your Committee's terms of reference, it cannot deal further with this issue.

5. The proposed definition of "letter" to be inserted in Clause 2 of the Bill is governed by a test of mass. It is cast in terms of "mailable matter" having a mass of no more than five hundred grams. Such a mass limit will catch many time-critical items commonly sent by courier service or other speedy means, including vaccines; pharmaceutical and optical prescriptions; medical tests, including radioactive isotopes for cancer tests; mini-cassettes and so on. The definition will encompass all manner of legal, accounting, financial and data processing material and negotiable instruments and a great variety of small packets, unless they can be classified as "goods", a term which is not defined in the Bill although it appears in paragraph (a) of the definition of "letter".

Until regulations appear defining "mailable matter", it will not be known what precisely will be included within the statutory definition of "letter". This lack of clarity will produce uncertainty and apprehension in the courier and parcel delivery industries. The position of courier services under the Bill is a question of significance. It lies beyond your Committee's terms of reference but is deserving of study by the Committee properly charged with the carriage of the Bill. The term "goods" could be defined in such a way as to include many items now carried by couriers. Perhaps Clause 15(1)(e) could be redrafted to provide a certain basis for courier services dealing with urgent or time-critical matters having a mass of five hundred grams or less. The regulation-making power to be conferred by paragraph (e) of the proposed definition of "letter" could be used to solve many problems and to alleviate many concerns. In its Fourth Report for this Session (Statutory Instruments No. 10) your Committee recommended that regulations should be tabled and studied by the appropriate Standing Committees at the same time as they are studying the Bills which provide for their making. Without the regulations to be made under paragraph (e) of the definition of "letter" the definition of "letter" and the proposed exclusions in clause 15(1) are not sufficiently specific.

What the committee was talking about was the definition then proposed by the Postmaster General, then dropped by the Postmaster General and subsequently proposed by my colleague from Mississauga. Essentially our concern was this. We felt that the government had a responsibility to justify any request it was making to Parliament for regulation-making authority which could broaden the scope of the government's monopoly.

The issue is not whether there is going to be cream skimming by competitors of the Post Office. We on this side of the House believe that the Post Office can be an efficient corporation, can compete and can provide a service for Canadians second to none in the world.

Each of us, particularly those with rural constituencies, have people working in their Post Offices who are tremendously dedicated, who want nothing more than to see Canadians with first-class service, one that is second to none anywhere in the world. Our position has not been that there should be cream skimming by others, but rather that the Post Office should be