

*Competition Bill*

(a) with respect to any matter, act or thing that by the *Railway Act* or the *Special Act* is sanctioned, required to be done, or prohibited;

(b) generally for carrying the *Railway Act* into effect;

So any time, at the request of the government or on its own initiative with the authority which was vested in the Transportation Commission, which is comparable to the authority that this government is asking be given to the Restrictive Trade Practices Commission, the Transportation Commission could make an order. It would also go beyond that. We had a fascinating debate at that time as well with regard to the power which Mr. Pickersgill sought for that commission to exercise sanctions.

Section 46 (3) of the National Transportation Act reads:

The Commission may by regulation or order provide penalties, when not already provided in the *Railway Act*, to which every company or person who offends against any regulation or order made by the Commission shall be liable.

So if the Minister of Transport, who has the authority, wanted to exercise it, he could say to the Transportation Commission: "I want you to order the railway companies to provide the cars and facilities to carry the freight and to do so diligently and carefully". Having made that order, the commission could include in the order a provision that if they do not do what is ordered, a penalty will be imposed. I do not suppose that capital punishment could be imposed; it is outlawed anyway. They could not hang any official of the railway company. But if you read the clause carefully, it has a very wide and significant effect. The commission could make an order and say: these will be the sanctions, the penalties and the punishment imposed for non-compliance.

What more authority could the Minister of Transport hope to secure in any new legislation? Surely, when we come to assess whether we should now give effect to the pleas of the Minister of Consumer and Corporate Affairs (Mr. Gray) and pass the bill giving these vast powers to the government or to a board created by the government, we are entitled to ask ourselves how they have acted, how they have used the powers which were given to them. When I think about it, I realize that all that the commission and the government did was to close down some branch lines and prevent some passenger trains from running. That was easy. They were hand in glove with the railway companies. But when they are asked to act on powers which they have been granted and they refuse to do so, using as an excuse that the transportation affairs in Canada are in a mess so we must have a new study and a new bill, that is transparent nonsense.

I have been talking about the National Transportation Act and I may have gone a little too far afield, but I was prompted by my enthusiasm. While I am dealing with the Act I want to talk about an amendment which I hope the minister, the government and the committee will consider when the bill receives second reading and goes to the committee for study. When the National Transportation Act was being passed, some of us in the House, I think the hon. member for Qu'Appelle-Moose Mountain (Mr. Hamilton), myself and the hon. member for Crowfoot (Mr. Horner), whose constituency at that time had another name, were considering the implications of this granting of powers to the commission and the government. We thought there should be some check, some method by

[Mr. Baldwin.]

which there could be at least a reasonable measure of parliamentary control. I believe that Your Honour was here at the time and participated actively. I know that you are now sitting in a very neutral and detached position, but if you cast your mind back to those days of glory in 1966 and 1967, you will remember that at that time I proposed an amendment. I will not read the whole amendment because it has different characteristics.

I proposed that a clause be added along these lines: as soon as practical after the commencement of the first session of each parliament, in any event not more than 15 days after the commencement of the said session, a committee of 12 members of the House of Commons, to be known as The National Transport Act Committee, shall be appointed for the duration of such parliament according to the practice of this House with reference to the appointment of members to serve on standing committees. Then I went on to lay down some of the details, making it quite plain, however, that the powers and duties of the committee were to examine the annual report of the commission made to the governor in council. I think that we might well apply that principle to the facts which we face today.

• (1440)

As I say, in spite of my opposition there is no doubt that this bill will pass. There is no doubt that in due course the government will get around to appointing a new commission, and that commission will start to function, again as I say subject to no parliamentary control. I would like to suggest that some consideration should be given to appointing a special committee or, if necessary, enlarging the terms of reference of the existing committee. The latter might be difficult because of its problems in dealing with legislation and with estimates. But we should not have this bill finally passed on third reading without inserting some provision in it for parliamentary control of the operations of the arbitrary and authoritative Restrictive Trade Practices Commission that will come into being when these powers are vested in it.

I keep harking back to the fact that this bill includes the two things, aid of limited value to the consumers and the granting of powers to the commission. I suggest to the minister that it would have been the better part of wisdom for him to bring in a bill dealing with consumer protection alone. But he has chosen to combine the two, as is invariably the policy of the government.

I hold no brief for big corporations or big unions. I say that I fear and worry far more about big government. It feeds on itself and grows. It hives-off. Small sections become large divisions, and some day may even emerge as departments. It does very well for itself financially by taking other people's money through the tax structure. It has now become so vast, so gigantic, so complex that there is not one single person in the country who can comprehend it or direct it, or certainly control it. To balance the puny values given in part of this bill against the monstrous grab of more government power does not appeal to me, and I have no intention of supporting the bill. As I say, it will likely pass, but not with my help.

I serve notice that in the future I intend to continue challenging bills of this character where the same type of authority is being vested in government, with the acquisi-