

Energy Supplies Emergency Act

interest to give the exemption, it has the ability to remove it right away. In other words the specific and fast-moving situation could be dealt with right there by the board which has the responsibility rather than to leave it, as the hon. member for Peace River would do, to the courts to come up with a conclusion months or even years later.

One further piece of background information is that the government has taken action against the multinational oil industry in Canada under the Combines Investigation Act.

Mr. Baldwin: No wonder the government wanted this act.

Mr. Macdonald (Rosedale): That is right. It is because the government has been taking the action against the companies under the statute, and because they are now in legal jeopardy under that act at the instance of the government, that obviously the companies would be concerned that any further conduct they might carry on, whether or not under the express or indirect order of this board, might bring them into further jeopardy. For that reason, of course, they came forward to request the exemption.

The industry had asked for a blanket exemption and, after consultation with the acting director of investigation and research, it was my judgment on behalf of the government that in respect of the specific order of this kind, the specific application, an exemption confined to a specific situation should be as far as this Parliament should go, and that the board should have the right at any time either on the complaint of abuse by a third party or indeed by the board on its own initiative to take away that particular exemption. For that reason, since the deletion by the hon. member for Peace River could only hurt the individuals in Canada we are trying to protect by this statute, I would hope his amendment would not be accepted.

Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands): Mr. Speaker, I certainly have enjoyed the spectacle of the hon. member for Peace River (Mr. Baldwin) and the supporters of the Conservative Party now posing as the Sir Galahads who will bring down the dragon of the big multinational corporations. It seems to me strange that they have become now the champions of maintaining the power of the Combines Investigation Act and that this is a new role for them. It is very difficult for me to see the hon. members for Calgary North (Mr. Woolliams) and Calgary South (Mr. Bawden) now being the main champions of exposing the multinational corporations. I think this is probably the most ludicrous spectacle since Don Quixote went down to tilt with the windmill. The fact of the matter is that certainly the members of the New Democratic Party have argued for years not only for a combines investigation act but a much stronger act than is on the statute books at the present time.

I would agree with the hon. member for Peace River to the extent that I would oppose any measure which would weaken the application of the combines investigation legislation under normal circumstances. That is true. I would certainly oppose any move to put a clause in this legislation, as requested by the oil companies, for a blanket exemption which I think could be abused and in my opinion would be abused. However, the primary purpose

[Mr. MacDonald (Egmont).]

of this legislation, which I hardly need remind members of the House is emergency legislation, is to give an energy allocation board power to meet an emergency situation. If it is to have that kind of power then it must be able to issue orders which will require the oil companies, the jobbers, the purchasers of oil and the customers to do things ordered by the board. If the board's orders are to be obeyed, then it seems to me that we would weaken the power of the board if those to whom the orders are issued are to be placed in a position where they could say to the board that they are hesitant to comply with the order because they may be prosecuted under the Combines Investigation Act.

The hon. member for Peace River has pointed out quite properly that a statute chronologically later than another statute has precedence, but that is a case which would have to be settled in the courts. This could involve a long period of time. There will be situations, if an emergency should arise, in which the board might be required to say to two oil companies that whereas they have been sending out petroleum supplies to retailers in various areas, from now on they must confine themselves to a given area and that the customers in other areas will be supplied by another oil company. Normally that is a combination in restraint of trade. I could understand an oil company saying to the board that it makes sense in the emergency situation to do what the board requests but that they are very hesitant to do it because they could find themselves being indicted for acting in restraint of trade and therefore require some protection.

I believe that protection should be given provided there is proper protection on the other hand for the public interest. In this clause I think it is fairly specific that when the board issues an order and the companies who are the recipients of that order raise the question of whether or not they will be in conflict of the Combines Investigation Act they may ask the board for an exemption. The Minister of Consumer and Corporate Affairs will have to be consulted. He can take up the matter with the Restrictive Trade Practices Commissions and his officials to see whether or not there is any conflict and specifically what they are to be exempted from. This is not a blanket exemption but an exemption for only certain specific acts they have been ordered to do by the board. At any time that the board is convinced there is no longer any need for the exemption it may withdraw the exemption so that the oil companies cannot continue to act in the manner which would be in violation of the Combines Investigation Act. They would have to desist the practice they were following at the request of the board as soon as the board decides there is no longer any need to pursue that course of action.

Mr. Speaker, I share the concern of the hon. member for Peace River, as I think must any member of this House, in respect of any legislation which gives an exemption to any part of the community with regard to the Combines Investigation Act. This should be done only in an emergency situation and only for a limited period of time and under the closest possible scrutiny. I think the situation which may arise in this country for which this legislation is designed could be so serious that the provisions of clause 23 would be necessary and for that reason we will support it and oppose the amendment.