

and more powerful, more ominous and inherently more dangerous in its capacity to crush with its own weight.

Look at the power that it is proposed be vested in this commission. I shall not go into all the details but in effect it gives almost complete authority to the commission to order supplies for anyone who wants to get into a business and is prevented from doing so because he cannot obtain supplies. I suggest this opens up a very wide avenue of arbitrary authority. It gives the commission authority to cancel any arrangements which limit a dealer to selling one line of goods exclusively and so on. The hon. member for Trinity (Mr. Hellyer) and the hon. member for St. Paul's (Mr. Atkey) have gone into this in some detail. They have illustrated the extent of the authority given to the commission. The powers given are not really powers which a board of this kind with its experience, has the capacity or the knowledge to handle. It is a board which we learned as recently as this morning consists of only one acting chairman and no members experienced in these matters. I think it is outrageous to ask the House to pass legislation of this kind without giving the House some indication of the type of people likely to be appointed, having in mind the vast authority they will be allowed to exercise in interfering so intimately in every aspect of the lives of the Canadian people.

Even more important, these powers are to be vested in a board or a commission which is not really subject to parliamentary control. It is a board which would be quite definitely susceptible to government pressure. The bill will be passed and the minister and the government will then have to cast about to find personnel to fill the board. I do not suggest there is anything corrupt or improper about this, but the people who will be appointed to this board invariably will be subject to political persuasion by this government. I think that is completely wrong, and I shall make a proposal about it before I finish my remarks. It will be a board which, probably to a great extent, will operate in the darkness and secrecy of the closed rooms of the Ottawa bureaucracy. I know there are other provisions, but I wonder how extensively they will be used because, despite any suggestion that it will function on a judicial or quasi-judicial basis, there is nothing to compel it to act in that way.

Yet the board is authorized to make the most searching inquiries, and to deal summarily with the affairs of people. My colleagues have demonstrated this in many good speeches. It needs no repetition. The contents of the bill speak eloquently on this score. So, I do not think there is any honest trade-off to persuade us to give up to a tribunal of this kind the arbitrary and impressive authority detailed in this bill in exchange for the very minimal proposals alleged to help the consumer. I am not prepared to collaborate in this unevenly balanced proposal by voting for this bill. I think this is a decision we have to make as we are frequently called upon to do. It seems to be the practice of this government to bring before us an omnibus bill, legislation containing a variety of proposals, some of which contain a few small measures of relief which are of some value. However, balanced against this always is the granting of excessive and arbitrary power.

We are compelled from day to day in this House to make this choice in respect on an omnibus bill of this kind. We

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must make a decision whether we will see that the people of Canada obtain the minimum benefits contained in the legislation or disapprove of things in which we do not believe. We must carry on this exercise of balancing the scales. The minister is asking us to approve things which in my opinion are defective and fall short of the standard we should follow. I shall find it difficult to say yes to this bill when the votes are being taken. When considering these powers, I think we should be entitled to a little survey to see to what extent governments make use of this authority, and how they use it, because I think that is the litmus paper we must use in this particular experiment.

● (1430)

For example, over the last few days we have been listening to the Minister of Transport (Mr. Marchand). I must say I admire the minister because he has probably found at long last the formula for which some hon. members opposite have been looking to find favour in the West. They have been criticizing the Liberal government and criticizing the CPR. By putting the two together, they hope to find the formula which will find favour in western Canada. But the minister has been complaining bitterly that he does not have enough authority and power to deal with the staggering problems of western Canada in particular, and of all Canada in general, which we face today with regard to transportation, particularly railroad transportation. I have to look at this in the light of the decision which we are being asked to make today. All one has to do is to examine the National Transportation Act, and having done that I say to you, to the House, to the minister opposite and to his friends, that the Minister of Transport has all the power he wants if he only had the guts to act on the legislation and to make something happen.

Under the National Transportation Act, for example—and I am not debating it but using it as an illustration—the railway company must—the word used is “shall” which has a mandatory implication—furnish adequate and suitable accommodation for carrying, loading and delivering of traffic and receive with due care and diligence. To me, the word “diligence” has one meaning, that is to do a thing diligently. It does not mean to come in here, as has the Minister of Transport, whimpering, whining, crying and saying: “I don’t like this bill; it does not give me any authority. I must have a study and a new bill”. The minister has all the authority he wants in this act.

Some hon. Members: Hear, hear!

Mr. Baldwin: As a matter of fact, one can go beyond that because, when we passed the national transportation bill—some hon. members here were present at that time—we debated this issue and the powers which were to be granted to the commission. At that time I challenged the then minister of transport, the very eloquent and astute Jack Pickersgill who piloted that legislation through, in respect of the powers which were being sought for the Transportation Commission. He said the bill contained all the power and authority which the commission wanted.

I think he was right, because if you look at section 46 of the National Transportation Act, you will find these words:

The Commission may make orders or regulations