

Postal Rates

to believe if that had been done, it would have alleviated or smoothed over some of the problems.

For many years I practised law in a small town. I had people come to me and say "Mr. Baldwin, I have a problem with my neighbour. If I get a good crop next year, I will pay you some money if you will sue him." I said I did not think they could sue because they would not win the case. They informed me that all they wanted was their day in court. The public which use the mails wanted their day in court through the medium of a committee of this House.

The unions could usefully have had a day in court five, six or seven years ago. I am by no means condoning some of the things the unions have done. However, if they would have had that opportunity, it might have been better. The management of the Post Office should have been before a committee of this House to explain and justify what was being done. I am not going to blame the last postmaster general. He received advice from officials in the Department of Justice. Anyone who reads the law reports will accept the fact there are many decisions in the courts that are against the government. That suggests that advice given by officials in the Department of Justice is not always right. I have a friend in Montreal, Peter Treu, who is a shining example of that fact.

In 1974, the then postmaster general, the hon. member for Papineau (Mr. Ouellet), said the following in response to a question:

● (1600)

Rates of postage for domestic letter mail are set out in section ten of the Post Office Act. Changes in those rates therefore are only possible by Act of Parliament. Any proposal for amending the Post Office Act will be announced in the government's legislative program at the appropriate time.

So there was a clear statement, a good statement, a proper statement, a legal statement by a member of this House who had responsibility for the Post Office, that the only proper legal way to fix postal rates was by coming to the House. But two years later we find the then postmaster general, Mr. Mackasey, I think, succeeded by others from time to time, saying: "We have found a new way; we can bypass Parliament, we can do it by regulation". And they proceeded to introduce a regulation under section 13 of the Financial Administration Act. Mr. Speaker, I say this as a warning to other ministers: that is a section of the act whose use is not justified in circumstances of this kind.

I have read the debates in 1968 and 1969 when the present section 13 of the Financial Administration Act was introduced. Mr. Drury, then president of treasury board, introduced this amendment and made it clear during the debate that there was no intention section 13 would ever be used for such a purpose as the fixing of postal rates. I took part in that debate. If his intention had been otherwise I would have had a lot more to say and the bill would not have carried as quickly as it did; a storm would have been raised in the House, and rightly so. However, the amendment was introduced. From 1968 to 1976 no attempt was made to use it. Suddenly, though, the government discovered it had a problem with regard to postal rates

[Mr. Baldwin.]

and thought: here is an easy way of doing things; we can change postal rates without going to Parliament.

This is no small, piddling matter, Mr. Speaker. The estimates of the Post Office run in the neighbourhood of a billion dollars. The deficit is very substantial and that deficit is taken care of in part by income from postal charges. I say this to the minister: it may well be that having regularized by statute what I consider to be irregularities and possibly illegality in the actions of the previous government, the present administration might desire to go ahead and secure an amendment to the Post Office Act giving it the right to fix rates by order in council until such time as Parliament comes to a decision with regard to the possible setting up of a Crown corporation.

If that were the case I would have no objection to its being done, but I suggest to the minister that attached to any amendment to the Post Office Act giving the government the right to act by regulation there should be provision for a negative resolution so that this House and the other place would always have the authority to consider the feasibility and propriety of changes which may have been made. This House should never cut the umbilical cord of its responsibility to hold government accountable when it comes to changing the law to effect the imposition of taxation or the fixing of rates. When we give the government the right to act by order in council, there remains with us a responsibility to ensure that we have the authority to take another look at the situation if we wish.

I pause there for a moment. Mr. Speaker, I have been very impressed by the calibre of the new members of the House, though I retain my affection for the older ones as well. There are 157 new members. This is a minority Parliament; it appears that the people of Canada like minority Parliaments and are not prepared to give one government a massive majority enabling it to do whatever it likes.

I hope that in the course of the operations of this Parliament members on all sides will watch with great care the use made by the government of regulations and orders in council even though such a practice is probably a necessary part of our administration today, government having seen fit to intervene so massively in every aspect of human life. It would be literally impossible to legislate all the things it is thought desirable to legislate, bearing in mind the infinite variety of human circumstances affected. But when we give the government the right to act by order in council, it is up to us to see that it is used, not abused. It is a responsibility which rests with every member of the House.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, like the speaker who was just preceded me I intend to intervene only very briefly. I am pleased to follow the hon. member for Peace River (Mr. Baldwin), who now sits directly opposite me. Like him, I am happy to see so many new members and so many young members in this Thirty-first Parliament, and I join him in welcoming them to this very important institution and to a very significant experience. I might add it is also a pleasure for me to see some of the older