

ORAL QUESTION PERIOD

[English]

ANTI-INFLATION BOARD

REQUEST FOR APPEAL PROCEDURE WHICH WOULD NOT NECESSITATE INDICATION OF UNWILLINGNESS TO COMPLY WITH BOARD ORDER

Hon. Robert L. Stanfield (Leader of the Opposition): Mr. Speaker, I have a question for the Minister of Finance arising out of the apparent situation that no appeal can be launched against a ruling of the Anti-Inflation Board unless that party risks the defiance of a ruling of the board or the administrator. In order to preserve something like a traditional approach to law, and therefore necessary respect for the program itself, is the government by amendment, administrative order or some other way prepared to assure the right of a direct appeal of board rulings without the necessity of a party defying the board before such an appeal can be launched?

Hon. Donald S. Macdonald (Minister of Finance): Mr. Speaker, the chairman of the Anti-Inflation Board has made it clear that in a situation where the board arrives at an opinion with respect to either a price or a compensation settlement, the opinion being that they would exceed the guidelines, and the parties indicate that it would not be their intention to abide by that opinion, the chairman of the board would make an early reference of that matter to the administrator for the purpose of the administrator's determination. Of course, the decision of the administrator in that regard can, if any affected party wishes, be appealed through the procedure laid down by the Act.

Mr. Stanfield: Why is it necessary for the government, through the board, to encourage parties to a collective agreement, for example, to indicate they are not going to comply with the board ruling before they can appeal to a higher authority? In what way does it encourage support for the program, and for what reason is it necessary for a party to a dispute to indicate defiance or refusal to accept a ruling of the board before an appeal can be launched?

Mr. Macdonald (Rosedale): The hon. gentleman has it exactly the opposite way around. The encouragement on the part of the government, the Anti-Inflation Board and I hope on the part of all right thinking Canadians is that the guidelines which have been set out should be complied with, and that therefore where parties have submitted to the board either a price change or a compensation decision upon which the board has rendered a decision, the emphasis is that the parties should comply rather than the opposite.

Mr. Stanfield: Why in this democracy in the year 1976 is it not possible for a party in a dispute to appeal a ruling without indicating that the ruling is unacceptable and will not be complied with? The Minister of Finance indicates that it is only where a party to a dispute or both parties to a settlement indicate they will not comply with the board's ruling that such a matter will be referred by the Anti-Inflation Board. In what sense is that position necessary? In what sense does that help fight inflation in this country?

Oral Questions

Mr. Macdonald (Rosedale): As I indicated, if a party does not agree with a decision of the board, then the board will refer the matter for the decision of the administrator. This does not necessarily indicate non-compliance on the part of the parties. Just to put it in the context of the normal judicial procedure, parties who are satisfied with the outcome of litigation normally do not appeal.

REQUEST THAT REASONS BE GIVEN WHEN DECISION RENDERED

Mr. G. W. Baldwin (Peace River): Mr. Speaker, I have a supplementary question for the minister. In light of the fact that the ultimate appeal is to the federal court, which under the provisions of section 28 can review a decision on the basis that there has been a failure to observe a principle of natural justice or that there has been an erroneous finding of fact, will the government arrange to call in its former civil servants who are temporarily acting as the administrator and as the appeal tribunal to the Anti-Inflation Board and the administrator's decision and advise them about the facts of life and the necessity of giving reasons for judgment when a decision is made?

Hon. Donald S. Macdonald (Minister of Finance): Mr. Speaker, the act has provided for procedure whereby there is the Anti-Inflation Board, the administrator and the appeals tribunal, and in due course appeals can be taken from their particular decisions, if a party wishes, to the federal court. It seems to me that parliament having made that provision, it would be entirely reasonable for the parties appointed pursuant to the statute to carry out their responsibilities without the intervention of myself as the minister.

● (1420)

Mr. Baldwin: A final supplementary, Mr. Speaker. Perhaps the minister during the course of his answer, may be able to explain how you can appeal judgment unless you know the reasons for the decision. In any event, will the minister, in terms of section 17(3) of the Act, at least make a report to this House, get the report from the administrator and give it to the House indicating the basis of the rationale of the decision, why it was made, the circumstances under which it was made so that those people affected and this House will know instead of this decision being made in secret?

Mr. Macdonald (Rosedale): Mr. Speaker, that report was tabled on Friday.

Mr. Baldwin: Oh, nonsense. There were no reasons in it.

DECISION IN IRVING PAPER CASE—REQUEST UNION BE GRANTED RIGHT OF APPEAL

Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands): Mr. Speaker, my question is also for the Minister of Finance. In view of the fact that the order of the administrator reduces the terms of the collective bargaining agreement from 23.8 per cent to 14 per cent as of May 1, 1975 and in view of the fact that the said decision adversely affects the workers of that company who are signatories to the agreement, and since under section 30 of the Anti-Inflation