

*Energy Supplies Emergency Act*

nated by members of the multinational oil corporations who imposed their will upon the government and had this bill brought forward. This clause attempts to exempt corporations, particularly this type of corporation, from provisions of the Combines Investigation Act.

Clause 23 provides that where a person, as a result of an order from the energy supplies allocation board, is directed to do something or enters into an agreement that might involve an infringement of the combines legislation, a procedure is outlined whereby that person or corporation may go to the board, and the board in turn go to the Minister of Consumer and Corporate Affairs (Mr. Gray)—though heaven knows how much help they will get there, but that is where they are driven—and seek an exemption from the Combines Investigation Act, thus perpetuating restrictive trade practices or situations that are inconsistent with the combines legislation.

The position is as simple as that, and I say, through you, Mr. Speaker, to the members of this House that this party cannot accept a clause of that kind. It is cumbersome. It is a clause whereby we give to a created administrative board composed of five people, a board entirely under the domination of the government, the right at its own whim to abrogate and repeal from time to time very important sections of the law of Canada.

It has taken this country a great many years to acquire some means whereby combines, operating through collusive trade arrangements and conspiracies, may be subject to penal action. This clause is a deliberate attempt, and I say quite seriously at the instance of the multinational oil corporations, to grant exemptions from the law. I say that because the evidence given at the committee by the representative of those corporations indicated beyond a shadow of doubt that that was so. He said "We like the bill, and these are the reasons why we would like a little wider exemption". But great emphasis was placed on the fact that there would be this freedom from examination or possible prosecution under the Combines Investigation Act. If the government and their friends in the NDP want to give that kind of protection to the multinational oil companies, that is their privilege, but we do not intend to be party to it.

I am not going to make a very long speech. I have to argue a little law. It has taken me 16 years to forget that I am a lawyer and to become a member of parliament. I do not know whether I have progressed upwards or downwards in taking that position, I will now go back in time and argue a little law. Having heard the law argued by the hon. member for York South (Mr. Lewis) yesterday, I was very sadly struck by how he had degenerated in terms of his knowledge of the law compared with when he first came to the House.

I do not know what kind of reception my arguments will get, but I want to make it plain that as a result of this amendment an individual or corporation which, under direction from the energy allocation board or under some order or regulation, engages in certain actions should not be compelled to pay a fine or penalized under the Combines Investigation Act. What irritates me is that you do not need this kind of legislation to bring about that result. Anyone who has been through law school, or any member of this House who has learned his law second hand,

[Mr. Baldwin.]

though perhaps not always correctly, should know that where you have two statutes, one later in time than the other, then unless there is some express exception the latter statute has the effect of abrogating the former.

Take the situation where an individual or corporation is directed by the energy allocation board to fix a certain price for its commodities, or to divert oil or petroleum products from one destination to another, in such a way that it might be subject to prosecution at a later date. That direction would be given under the sanction contained in clause 31 of the bill, I think it is, which provides that anyone who disobeys an order of the energy allocation board is, under certain circumstances, subject to a term of imprisonment of up to two years in jail, or a \$5,000 or \$10,000 fine, as the case may be. This provision is contained in a later statute and effect must be given to it.

If Corporation X, acting under the instructions of the energy allocation board, engages in conduct which, under other circumstances, might constitute ground for prosecution as being in violation of the combines legislation, it has the best defence in the world: it has the order of the board made pursuant to this bill. It does not need any more, and so far as this party is concerned it is not going to get any more. I do not care how friendly the multinational corporations may be with the government or with my friends over there in the socialist party, they are not going to get this kind of protection from us.

● (1230)

**Some hon. Members:** Hear, hear!

**Mr. Baldwin:** I should just like to present one or two simple quotations which will make it apparent, even to hon. members opposite and the hon. member for York South (Mr. Lewis), who needs a refresher course. Let me first quote from Craies on Statute Law, Fifth Edition. I quote from page 343 as follows:

—when two statutes, although both are expressed in affirmative language, are contrary in matter, the latter abrogates the former.

Even the Minister of Energy, Mines and Resources (Mr. Macdonald) should be able to understand that.

**An hon. Member:** Don't be too sure.

**Mr. Baldwin:** If the Prime Minister (Mr. Trudeau) were here, I am sure he would be driven back to his earlier days when he was a professor of law, from which he has been away for some time.

**Mr. Stanfield:** He may be driven back there anyway.

**Mr. Baldwin:** We hope that he and the Minister of Justice (Mr. Lang) may still find places for themselves in the sanctuary of some university, although I must say that their attitude over the last few days would make it very difficult for any reputable university to offer them employment.

**Mr. Douglas:** And it would be no sanctuary.

**Mr. Hees:** Perhaps they could get jobs at Rochdale.

**Mr. Baldwin:** Mr. Speaker, I have two additional citations and I will then sit down. I know the position of the