

we should strike it down and deny the government authority to incorporate a new Crown corporation to spend perhaps \$1 billion of the taxpayers' money. What would happen then? Mr. Speaker, according to the bill, the motion which we passed in the House would be sent to the other place, where the senators would be given a similar time to consider it. If a majority of senators concurred in the decision made by a majority of the members here that the government should not be allowed to spend public funds in this way, then the order would be null and void. It would be struck down and they would not be allowed to continue. But—and here is the interesting wrinkle—if the Senate decided they did not agree with members of the House, the government would have the authority on the strength of the Senate's failing to concur in the motion moved in the House.

This is an interesting constitutional question, Mr. Speaker, and one which the minister would be well advised to look at very closely. We would have a situation where the government would be going to the Senate to seek the parliamentary authority necessary to spend hundreds of millions, possibly billions, of tax dollars. I would suggest to the President of the Treasury Board and to the Minister of Energy Mines and Resources—

**Mr. Huntington:** Who is not here.

**Mr. Beatty:**—that there is serious doubt as to the constitutionality of this measure. What they are attempting to do is something which the Senate is specifically prohibited from doing: authorizing public moneys to be spent. If this goes forward, it is entirely possible that the courts of Canada may strike it down and say that the government is attempting to do something for which it has no authority. It is attempting in this bill to give authority to the Senate which it does not have today.

Even if that were not the case, Mr. Speaker, even if there were not serious doubts as to the constitutionality of this measure, the principle would surely be odious. Instead of coming to Parliament with a bill in which they spelled out the mandate of a Crown corporation, allowing it to be debated and go into standing committees of the House where witnesses could be called, instead of allowing us to vote on the measures and defeat them if we decide they should not go forward, they are reversing the onus and saying that Parliament tonight, if we pass this measure, is granting to the government for all time carte blanche to do whatever it wants unless a majority of both Houses of Parliament put themselves on record as saying in a specific case: no, you cannot do it.

I wish you had been there, Mr. Speaker, when I had the opportunity to have an exchange with the President of the Treasury Board. I asked him whether this measure was one he accepted as the minister responsible for trying to bring in a regime to enhance the accountability of Crown corporations and plug Parliament back into the picture. We have been left out, as the Auditor General has pointed out, and as members here have pointed out on numerous occasions. I asked him if he agreed that Parliament's role as envisaged in this legislation was satisfactory. He said yes, on two grounds. One is that the

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Minister of Energy, Mines and Resources could not unilaterally incorporate a new Crown corporation; he would need the consent of at least three other members of cabinet. That would be hard to get, no doubt. Secondly, Mr. Speaker, he said Parliament is giving its consent. If we pass Bill C-102 tonight, we are saying for all time that if the minister wants to incorporate a new Crown corporation, that is okay with us. The minister says: that is satisfactory, it means Parliament has been sufficiently plugged into the process again.

If that is satisfactory to the President of the Treasury Board, if he believes it is adequate and Parliament is discharging its responsibility when we simply write a blank cheque to the minister, then I ask him: why are we debating other pieces of legislation? At the beginning of each parliamentary session, why do we not simply pass a bill delegating authority to the government to do whatever it wants? It sounds ludicrous, does it not? It seems to be an odd thing to even discuss. Yet that is precisely what we are doing in this instance.

• (2100)

**Mr. King:** Disgusting!

**Mr. Beatty:** We do not follow that procedure because we believe that Parliament has the responsibility, not simply to give a broad granting of power to the government to do whatever it wants, but the responsibility, on behalf of our constituents, on behalf of the people of Canada, to examine specific measures which are brought before Parliament by the government and to closely question the government, to make amendments and to make suggestions for improvements before the government goes ahead and acts on that authority. That is the serious flaw in this bill. The President of the Treasury Board cannot be expected to be taken seriously by anyone if he says that the regime of accountability here, if the procedure is followed to plug Parliament back into this bill, is satisfactory to ensure that Members of Parliament will do their job.

**Mr. King:** Are you listening, Donald?

**Mr. Beatty:** One might say that even if Members of Parliament do not have the ability to vote on a bill spelling out what the Crown corporation is to do, surely this is something that is desirable. Your Honour will recall that VIA Rail was created as a Crown corporation by using a dollar vote in the estimates. In two successive annual reports, the President of VIA Rail has said that one of the most serious problems of his corporation is that its mandate was never spelled out. The corporation does not know what is expected of it by the government and by Parliament.

The Standing Joint Committee on Regulations and Other Statutory Instruments has recommended, in more than one report, that the government come back if it wants a rail passenger corporation to become a Crown corporation. The government could come back to Parliament bringing legislation spelling out the mandate of the corporation. We will not be allowed to do that in the energy field in the future. That is to be denied Parliament. Surely, the next question we must ask