

*Anti-Inflation Act*

not be able to disguise price and profit margin increases which are contrary to the guidelines; and, of course, decisions must be made swiftly.

However, when the matter moves from investigation to deciding that an order should be issued, I question whether the law should appear here to exclude all of what the lawyers call the principles of natural justice. These involve the right to a hearing, with the right to hear the evidence against you, the right to call evidence in reply, to cross examine and to be represented by counsel. The anti-profiteering bill used words which enabled these rights to be available before the commission decided on whether an order should be made. These rights are a fundamental part of our judicial system and our democratic tradition. It is true that the administrator's orders can be appealed to an anti-inflation appeal tribunal which can hold sittings across Canada. But one would expect there would be delays before appeals could be heard. Also, it is likely there would be additional expense, which could be a burden, especially where the appeal is on behalf of a worker or a group of workers.

It is interesting to note that the proceedings of the appeal tribunal itself must, according to the bill, be carried out in line with the principles of natural justice. However, the focal point of the enforcement procedure appears to be the making of the order.

**Mr. Leggatt:** They would never get a conviction, otherwise.

**Mr. Gray:** One wonders how often the appeals procedure could be used. The government bill should spell out more clearly the procedures which the administrator has to follow in making an order. Perhaps it could provide that the administrator could appoint hearing officers to hold brief, informal hearings before orders are made. Strangely enough, although the powers and the authority of the administrator appear to be very extensive, the words in the bill creating them seem to provide for an escape hatch which could make his enforcement activity meaningless.

Clause 20 of the bill says that the administrator does not have to make such order as he deems otherwise appropriate if he is satisfied that there are, or are likely to be circumstances which, based on the particular facts of the situation, would justify the person's contravention of the guidelines. But what could these circumstances be? The bill itself does not say. These words could enable the administrator, in effect, to create his own set of guidelines totally different from those set forth by the government.

This kind of escape hatch did not appear in the anti-profiteering bill. The anti-inflation bill provides that an injunction can be obtained to prevent a breach of an order of the administrator. However, it has no provision in it for the obtaining of an interim injunction. Such an injunction could be used to prevent the carrying out or continuing of action contrary to the guidelines during a study of the matter by the board and the later investigation leading up to the making of an order by the administrator. In contrast, the anti-profiteering bill provided the authority for the Attorney General to obtain such interim injunctions.

It would seem to me that there is equal, if not greater need under the anti-inflation bill, with its conciliation procedure preceding any enforcement action for the Attor-

ney General, to be able to obtain an injunction to restrain the commission of what could turn out to be breaches of that law. Otherwise, throughout what may be a lengthy procedure leading up to the making of an order a firm could continue to exact what later could be found to be an improper price or profit.

I think the government should provide clarification as to the extent prices received by farmers and fishermen are intended to be dealt with under the prices and incomes program. There should also be similar clarification as to the manner and extent marketing boards are to be covered by this program. On October 16, it was reported in a Canadian Press dispatch that the Minister of Agriculture (Mr. Whelan) said in St. Jacob's, Ontario, that while farmers would be exempted from the controls, the government "expects everybody to voluntarily apply the law to themselves". But last Tuesday he said in the House:

Some hon. members have been critical of the program. They ask how can farmers and fishermen be exempt from the guidelines when the operations of marketing boards must obey the guidelines.

He went on to say:

There is a simple explanation for having marketing boards under the guidelines and not the farmers.

A Canadian Press dispatch the day before yesterday reported that the Prime Minister (Mr. Trudeau) said in Assiniboia:

The controls will not apply directly to farmers, small businessmen and others who could only be controlled by a vast bureaucracy.

He went on to say:

We are going to trust the farmer and fisherman.

These words, like those of the Minister of Agriculture in St. Jacob's, Ontario, could imply to some at least that the guidelines—that is to say, the rules for acceptable price and salary increases—would apply to farmers but would not be enforced against them by the compulsory selective controls provided for in Bill C-73. However, what do the guidelines set out in the white paper actually say about this? On page 18 we see the following, "prices received by farmers and fishermen are exempt from the guidelines". You can see why I say some clarification would be helpful so that we would know whether the words of the Prime Minister in Assiniboia reflect current policy, or whether the words I have quoted from the white paper still apply.

Also, the Minister of Agriculture appeared to say in the House on Tuesday that marketing boards are covered by the guidelines. He also said at that time:

They cannot inflate prices beyond a fair level because the National Farm Products Marketing Council is the watchdog over national marketing boards and there are representatives of consumers, producers and business on the present council which demands that prices paid to producers be based on the cost of production and the reasonable return for their investment.

The fact is, however, that members of the council who are not linked with the producer interest are only a minority of its membership. One can ask: does that council therefore, have the necessary balance in its membership to provide the reassurance to the general public on this that is necessary? Also, the council deals with only a handful of boards set up under the federal National Farm Products Marketing Agencies Act. There is a much greater number of boards operating solely under provincial jurisdiction. The white paper says only that their operations will be