

*Energy, Mines and Resources*

A question which members should logically be asking themselves is this. If it is necessary that a Crown corporation, before it is created, should have the authorization of the governor in council in the form of an order in council and that the order should be tabled in Parliament so it will have an opportunity to put forward a negative resolution to strike it down and say that it does not want the Crown corporation started, then why should not the same procedure be followed for subsidiaries if they can be incorporated with all of the powers of the parent, with as much power to commit the consolidated revenue fund and to interfere in the marketplace?

The amendment which we proposed was simply designed to ensure that the same provision was followed for the subsidiaries of these Crown corporations. We proposed the amendment and debated it. There was silence from the government side; not one syllable was uttered explaining why it was desirable to have parliamentary involvement at the outset when the Crown corporation was created and why it was suddenly undesirable to have parliamentary involvement when there was a proliferation of subsidiary Crown corporations. That amendment was defeated, not with any explanation to Parliament or to the Canadian people, but just by the use of raw numbers.

The second amendment which we proposed and which was just voted on dealt with the question of agent of Her Majesty status. There are two fundamental concerns which we should have as parliamentarians as a result of agent of Her Majesty status. The first concern is that, in granting automatic agent of Her Majesty status as part of the birth certificate of these new Crown corporations, we are giving them the ability to have their debts automatically become liabilities within the consolidated revenue fund. What we are saying is that these Crown corporations can continue to borrow in the future, and if they are badly managed and run up massive losses, the people of Canada are the ones who will automatically become liable for those losses and will have to pay the bills.

Second, we are saying that on the basis of current jurisprudence in the Supreme Court of Ontario, in the Uranium Canada and the Eldorado Nuclear case, companies in the future shall have immunity to criminal law, such as the combines law and the legislation dealing with false and misleading advertising. What we are saying is that under this legislation we are automatically conveying immunity to these Crown corporations from the workings of the Combines Investigation Act. If a private company were to price-fix, the government would lay criminal charges against that private company; but if a Crown corporation which is incorporated under this bill price-fixes, it is immune.

We are saying that if a private company engages in false and misleading advertising, criminal charges would be laid against that company by the government and it would be fined as a result. In the case of these Crown corporations, they will be exempt. They can engage in false and misleading advertising with impunity.

Surely we should be asking ourselves whether we should be automatically conferring that status on all Crown corporations. We therefore moved the amendment, which stated that

since the government has the ability under current legislation to convey agent of Her Majesty status on any Crown corporation if it so chooses at any time, we simply asked that it be done on a case by case basis rather than giving a blanket grant of this special privilege that these Crown corporations would have.

Again, we moved our amendment and made our case and there was silence from the government side. There was no explanation whatsoever as to why the government was not prepared to review this on a case by case basis or why it was essential that all these new Crown corporations be granted this automatic agent of Her Majesty status. Had it given justification for its position, it would have been easier to understand why the government would vote down an amendment designed to protect Canadian taxpayers. No such justification was given.

We now find ourselves in a position where we are dealing with third reading of a bill which was bad to begin with. It had amendments moved to make it better but it is going through largely unchanged. I want to indicate that when the vote is taken on this bill some time before six o'clock this evening, our party will be voting against it because it does not deserve the support of the Parliament of Canada.

What does the bill do? Most importantly, it provides a framework for the creation of new Crown corporations either by incorporating them under the Canada Business Corporations Act or by using funds and purchasing existing companies and converting them into Crown corporations.

The logical question which the taxpayers of Canada would expect us to ask the Liberal members who are proposing this legislation is: For what purpose will these new Crown corporations be incorporated? What will be the nature of the new Crown corporation to be created? You have Petro-Canada, you have Eldorado Nuclear and you have Uranium Canada. For what purpose does the government need new Crown corporations? No explanation has been given. All that the government has asked is that the House of Commons give it unending authority to incorporate any energy Crown corporation it so chooses.

I should stress the fact that its powers go well beyond the energy field. If they are incorporated under the Canada Business Corporations Act they have the powers of a natural person and can extend beyond simply dealing in energy matters. The government can incorporate subsidiaries and can operate either in Canada or abroad.

These are questions which have not been answered in this debate. How will these companies operate and for what purpose will they be incorporated? What role will they play in the marketplace? What are the government's intentions? How can the government ask Parliament, as trustees of the public purse and custodians of the public interest, to simply give it carte blanche to do whatever it wants without giving a single explanation of the nature of these Crown corporations to be created?