

him on notice to be specific, rather than giving him *carte blanche*.

Senator Smith (Colchester): I think I understand what the minister is saying, but with regret I have to say to him that it does not seem to me to make the situation any better. Also, with respect, I really am not convinced, nor am I even brought anywhere near to the point of being convinced, that there is likely to be any more improper collusion or action under the clause as it stands than would be the case if my suggestion were followed that in the case of a breach of the law it be considered to be a defence if he can show that it was necessarily the result of an order properly given to him by a person with the authority to do so. After all, the burden would be upon him in any such criminal action, if it were one, or in any such action of a quasi-criminal character, to prove his defence. It would not be a case of the reasonable doubt principle in its ordinary application being followed, although, in the final analysis, I suppose if everything were left in a state of doubt that principle would apply; but the moment he is charged and raises the defence that he had to do it, then the burden is on him to prove by a preponderance of evidence that he had to do it in order to comply with a direction from someone who had the authority to give such a direction. I suggest that there is no more possibility of improper collusion under such a system than under the system set out in the clause we are discussing.

The Chairman: Shall clause 23 carry?

Hon. Senators: Carried.

Senator Macdonald: On division.

The Chairman: Shall clause 24 carry?

Senator Roblin: Madam Chairman, just before we skip over clause 24, I would like to direct the attention of the minister to paragraph (4)(b) of this clause, which reads, in part, as follows:

(b) provide for a means whereby any provincial or municipal authorities or natural persons, or any of them—

And so on. Why are we restricting the effect of this provision to natural persons? The import of the wording, I suppose, is to bar unnatural persons, such as corporations, et cetera, from having the right to demand a hearing in respect of this matter. As it seems to me highly improbable that corporations will be concerned in such a matter very directly, I just wonder why it has been found necessary to exclude them in such a direct manner.

Hon. Mr. Gillespie: Senator Roblin, the language may be unduly complicated. I will not argue that. You are more familiar with the law than I.

Senator Roblin: I interrupt my honourable friend at once to inform him that I am not a member of the learned legal profession.

Hon. Mr. Gillespie: In any event, let me say to the honourable senator, if he is concerned with the possibility that corporations could not be represented, that I am told that

executives of corporations would be able to appear as natural persons.

Senator Roblin: Now I am rather sorry I did not train to be a lawyer when I get answers like that.

Senator Flynn: There was a simpler answer. This is a defect in the drafting. That is all.

Hon. Senators: Carried.

The Chairman: Shall clause 25 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 26 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 27 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 28 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 29 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 30 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 31 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 32 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 33 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 34 carry?

Hon. Senators: Carried.

The Chairman: Shall the title of the bill carry?

Senator Smith (Colchester): Madam Chairman, I just wish to intervene briefly in order to give the minister an opportunity which I know he would like to have. This morning I asked him a question with reference to the equivalency in barrels of oil per day of the electrical capacity of the proposed Fundy power project. He was good enough to get the answer, and I know he has it with him. Just before we carry the title, therefore, I would be glad if he would take the opportunity to put it on the record.

Hon. Mr. Gillespie: Honourable senators, I was asked by Senator Smith what the oil displacement is of the projected electricity output of the Fundy tidal project. The answer I have for you, Senator Smith, is that the project capacity is approximately 1,100 megawatts. The electrical output would be approximately 3.4 billion kilowatt hours a year. The oil displacement, or oil equivalent, for this output would be approximately 3 million barrels of oil a year, or, on a daily basis, 8,200 barrels.