

that is not the case; it is the Alberta Marketing Corporation which does so.

It is really a matter of judgment that is involved here, rather than a legal limitation. I would take it that since the powers are well established, as I have said, a province cannot avoid the lawful exercise of the jurisdiction of the Government of Canada by setting up a Crown corporation and this provision would, of course, apply. I suppose that in the circumstances it would be done by consent. But the hon. member is right; in terms of the law, there would be the right to enter premises for the purposes mentioned.

**The Chairman:** Order. Perhaps I should return to the procedural aspect of the amendment put forward by the hon. member for Qu'Appelle-Moose Mountain and render a decision. I wish to thank hon. members who have expressed their views on the subject. Though they did not deal directly with the procedural question, they did put the matter into perspective. Apart from the hon. member for Qu'Appelle-Moose Mountain, the minister was the only member who commented on the amendment from a procedural point of view. He said that the amendment was, in his view, redundant—not that it was unacceptable on procedural grounds.

The minister also said the amendment did not appear to add anything to clause 3. His conclusion was that the amendment should not be carried—not that it should not be accepted. Legislation is binding or not binding. It is not for the Chair, looking at an amendment and deciding whether or not it is acceptable, to consider whether the legislation is binding; that is a matter for the courts. In due time the courts have to decide the implications of attaching an amendment in the terms proposed to such an act.

● (1540)

I am ready at this time to put the amendment to the committee.

**Mr. Andre:** Mr. Chairman, I want to put a further question to the minister.

**The Chairman:** Putting the amendment will not prevent the hon. member from pursuing his question. It is moved by the hon. member for Qu'Appelle-Moose Mountain:

That clause 3 of the bill on page 2 be amended by deleting line 9 and substituting therefor the following:

Province; and, where the legislative authority of the parliament of Canada does not extend to bind Her Majesty in right of a province, then to the extent that Her Majesty in right of a province consents thereto.

**Mr. Andre:** Mr. Chairman, following my earlier question, as I had previously perceived the minister's position, this clause gives the minister or his designate the right to examine the books of a Crown corporation. However, I was not alluding to that; I was asking the minister whether it is true that clause 3, as it relates to clause 89, gives the minister the right to examine the records of the premier of a province and/or one of his ministers? Does the clause authorize the minister or his designate to enter any premises where there is reason to believe there might be certain evidence? It is conceivable, for example, that a

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provincial premier or minister could have in his office records associated with a Crown corporation, if that were the vehicle through which the province pursued its activities in a certain area.

It has also been rumoured that one province, anyway, is contemplating, not the vehicle of a Crown corporation but, rather, a direct operation so that operations in the oil and gas industry would be administered directly by a government department, which means by a minister of a Crown, a minister of Her Majesty in right of the province. I am asking the minister whether it is true that this clause would give him or his designate the right to walk into the office of a provincial premier or one of his ministers and examine and seize any records he deems necessary to enforce this provision.

**Mr. Macdonald (Rosedale):** Mr. Chairman, may I suggest that, since the hon. member has expressed specific interest in clause 89(1)(b), it would seem to me that an appropriate time to discuss various powers of entry, and so on, would be when we get to clause 89, rather than under the general provisions of this amendment dealing with the distribution of legislative jurisdiction. In other words, the consequences of the distribution of legislative jurisdiction are dealt with systematically clause by clause. I wonder whether it is not more appropriate to deal with each of these events when we get to that clause, rather than to argue them all on clause 3.

**Mr. Andre:** Mr. Chairman, with all respect to the minister, clause 3 is the relevant clause. A particular power is being sought in clause 89 and the clause may well be appropriate for corporations that come under the provisions of this bill. But I question whether the powers would be appropriate as applied to Her Majesty in right of a province. The interpretation that I perceive from clause 3 is that the minister would in fact have that authority. We are nearing the point of voting on clause 3, so I think it is highly appropriate at this point in time to get an interpretation from the minister, if he is willing to give one. I am reaching the conclusion that I am right and that this provision would grant the minister power to walk into such premises.

**Mr. Macdonald (Rosedale):** I have just said that, Mr. Chairman. May I point out to the hon. member that I have just answered the exact question he is posing.

[*Translation*]

**Mr. Laprise:** Mr. Chairman, I would like to ask the Minister of Energy, Mines and Resources (Mr. Macdonald) some information respecting clause 3 of the bill. It should be understood that through that clause the federal government is granted unusual powers such as are not to be found in many acts. The minister admitted earlier, I think, that such a clause can be found in bills due to special circumstances only. Can the minister tell us whether before this provision was made in Bill C-32, he sought the opinion of the authorities in every province to know what their positions were in that respect and request their consent to that provision of Bill C-32?

**Mr. Macdonald (Rosedale):** Mr. Chairman, the answer is no, because we are abiding by the precedent of the excise acts. The federal government is granted the very