

regulate the price of Canadian crude oil and natural gas in interprovincial and export trade—Mr. Macdonald (Rose-dale)—Mr. Penner in the chair.

On clause 2—*Definitions*.

**Mr. Roche:** Mr. Chairman, I rise on a question of privilege as I was not able to obtain an answer to the question I directed to the Minister of Energy, Mines and Resources. As we are resuming the discussion this afternoon of Bill C-32, I challenge the minister to apologize to Premier Lougheed and Mr. Getty for the remarks he made, so that our discussion can be conducted in a climate of good will.

**Some hon. Members:** Hear, hear!

**Mr. Munro (Esquimalt-Saanich):** Mr. Chairman, when I called it ten o'clock last Thursday evening I was examining the implications of part III of this bill, which uses language that I find extraordinary. I think it would be permissible briefly to review some of the arguments I had put forward.

This is only the fifth instance of language of this sort being used in any federal legislation. With respect to the four other instances, the first was the Fisheries Act, which we can understand because it has to do with pollution, pollution control and a resource which goes beyond the control of the provinces; the second was the Nuclear Liability Act, which has to do with matters in which the federal government is involved as a result of international arrangements—here again, the binding nature of that legislation is understandable—and the third instance was in relation to international river improvement. This related to the fact that a person might improve or do damage to a river that could result in damage across the border. The responsible authority would be the federal government; therefore the federal legislation was considered to be overriding. The fourth instance concerned explosives—and it would be pleasant if we did not have so many explosive sounds in this chamber.

● (1520)

**The Deputy Chairman:** Order, please. I think the point just made by the hon. member for Esquimalt-Saanich is a good one. There is a considerable amount of noise in the chamber, which makes it very difficult for the member who has the floor to make his points. I hope that hon. members who wish to carry on conversations will do so behind the curtains, so that the business of the House may continue.

**Mr. Munro (Esquimalt-Saanich):** As I was saying, the fourth special instance deals with explosives and safeguards. I was not too clear why this should have crept into the bill we are considering, although I think perhaps we can accept it as being a matter of interprovincial trade: it refers to the imposition of standards in the carriage of explosive material which could do damage to the population. This matter should come under general regulation and is therefore federal. The fifth instance in the bill is to be found in clause 3. I think it is worth reading this clause into *Hansard*. It provides:

This act is binding on Her Majesty in right of Canada and in right of any province.

### *Oil and Petroleum*

I ask the minister to please tell us why it is felt necessary to use this type of wording. I think this Draconian measure is sort of an overriding provision in this bill. When I look at the bill I find it is divided into five parts. The first part deals with the imposition of an export tax. I cannot believe that this particular clause is necessary in order to impose and to collect an export tax. This, clearly, is within the jurisdiction of the federal government.

Part IV has to do with compensation for imports over the price set. Again, I think this is in the general interest of Canada and there is no objection to it. This leaves parts II, III and V. I should like to come back to parts II and III, but for a moment I will deal with part V because to my way of thinking it has introduced some rather startling concepts in clauses 89 and 90. I think that when clause 3, which must apply to all that follows in this particular part of the bill, is examined very closely we will see the danger we are running into if we allow the bill to pass in its present form. It is our intention to propose amendments to clause 3.

In part V of the bill it will be seen that the minister may require any person to make to him a written return showing in detail information with respect to the affairs of the person named in regard to petroleum development and sales arrangements, if the minister feels this is necessary. I find paragraph (b) of subclause (1) of clause 89 very distressing. Several months ago we had a debate about invasion of privacy and the use of wiretaps. I challenge anyone to find anything more dangerous or more threatening to the privacy of the individual than paragraph (b) of clause 89, subclause (1) which reads:

... authorize any person designated to carry out investigations under this act by the minister to enter any premises in which that person has reason to believe that there may be evidence of a contravention of this act...

I cannot help reading this particular clause with clause 3 in mind. Property and civil rights normally are matters of provincial concern. Here we have an overriding clause, in a law which this parliament is expected to approve, that will invade this area of provincial jurisdiction and will threaten the privacy of the individual. To my mind, clause 3 is an extremely dangerous clause to leave in any legislation unless there is good reason. I have just received a copy of a letter which was sent to the federal Minister of Energy, Mines and Resources by the Minister of Mineral Resources of the province of Saskatchewan. I assume it was written after they met here last week. On page 3 of this letter some of the misgivings of Saskatchewan in respect of clause 3 are expressed. I should like to quote one particular sentence relating to these misgivings:

If clause 3 is enacted and is found to be constitutionally sound...

Which, of course, is very hypothetical.

... it may effectively restrain the provinces. But in the light of events in recent months, we must ask what restraint will there be on the federal government in dealing with matters that are the legitimate concern of the provinces.

Last week we heard that nine of the mines ministers of this country are resisting strenuously this particular bill and the present trends of the government. One province alone has acquiesced. This is the expression of opinion of one of the producing provinces. No doubt there are others which we will hear about in the course of time.