

Oil and Petroleum

I do not think it is acceptable advice to those on the opposite side, who are thinking about their vote and not just reacting in an automatic manner to the minister's directions to reconsider, that they should vote against this amendment on the basis of it being mere rhetoric. It is not rhetoric. It is the constitution of Canada, the British North America Act 1930.

Mr. Macdonald (Rosedale): Mr. Chairman, one of the predictable things about the hon. member for Calgary Centre is that as he rants on, he defeats his own argument.

The Chairman: Order, please. I do not think the amendment has been put to the committee. Maybe I should put it before the minister speaks. It is moved by Mr. Gillies:

That clause 21 on page 10 be amended by deleting line 42 and substituting therefor the following:

"international markets, in co-operation at all times with the provinces of production which, in the interests and for the protection of consumers in other provinces, have foregone to the degree necessary to this purpose their constitutional autonomy over crude oil as a natural resource and are therefore entitled, so far as compensation may answer, to be restored to a position of equality with other provinces with respect to the administration and control of one of their natural resources."

Mr. Macdonald (Rosedale): As I was saying, Mr. Chairman, one of the things about the hon. member for Calgary Centre is that if you give him enough rope, he will defeat himself in his particular proposal. In his final few words he really answered the main thrust of his argument.

The federal statute, which was the Alberta Natural Resources Act of 1930, and the other federal statutes in that regard do not purport to give to the province of Alberta and the other provinces any higher right in confederation than have the other provinces under Section 109 of the British North America Act. They of course gained responsibility for developing the natural resources in their provinces. Ontario and Quebec, and Nova Scotia and New Brunswick came into confederation subject to the overall responsibility of the federal government for trade and commerce. Therefore Alberta is on exactly the same basis. The observation is as relevant with regard to Alberta as it is with regard to the rest of the provinces.

The fact is that the province can decide to develop the resource it wishes. However, when it seeks to introduce the products of that development into interprovincial or international trade, it becomes subject to federal jurisdiction. I refer only to the wording here. It adds nothing to the constitution, it subtracts nothing and it adds nothing to this particular bill. It in no way detracts from the 1930 statute. The province has its right, but if it seeks to market its products outside its own boundaries it is subject to this particular jurisdiction. That is just not my viewpoint or the viewpoint of the federal government.

The hon. member indicated it was not a higher claim he was making for Alberta than Ontario. Premier of Ontario insisted to this government that to look after the broader interests of the country as a whole we should indeed have these powers. This was put before the first ministers at their last conference. Indeed it was put before the electors of Canada at the time of the last election that, in a

[Mr. Andre.]

moment like this, when it is not possible to arrive at an agreement, the level of government that should take the ultimate responsibility is the national one. It should not be left to any provincial government to have the final say. The point has been well made.

The only point I would add is that the hon. member sought to base an argument on some higher claim than the Alberta Natural Resources Act. This is the same claim Ontario would make. Ontario clearly recognizes that in interprovincial commerce it is the federal government which should take this final responsibility.

Mr. Baldwin: Mr. Chairman, I am deeply sorry that my friends to the left are not taking part in this interesting argument. I know they are in a difficult position. Their natural desire, indeed the urge which possesses them is to seek great chunks of power vested in the government. It is part and parcel of their philosophy. I understand that. This is indeed in conflict with their responsibility to their respective provinces.

If the hon. member for Nanaimo-Cowichan-The Islands, a former premier, were still in power at this time, he would be burning the wires with his protestations against the powers which the government of Canada is seeking here. He would be most unhappy about this.

I hope the members of the NDP will come to a full realization of their responsibilities before the bill is disposed of finally. As for the minister, we have given up hope on him on this particular issue. However, there is a larger audience beyond him. We will bounce our arguments off him in the belief they will be heard by others in the country and in due course the issue will be decided as to what extent the federal government has the right to trample on the constitution. They use as the sole criterion that when there is a genuine dispute as a result of the constitution, and our constitution is particularly difficult, they can over-ride the constitution and decide—

Mr. Macdonald (Rosedale): That is what the Premier of Ontario says.

Mr. Baldwin: I do not care what the Premier of Ontario says or what the Premier of Alberta says. I am here as a federal member of parliament, responsible to the people in my constituency.

Mr. Macdonald (Rosedale): Your disdain for the Premier of Ontario is noted.

Mr. Baldwin: I take my responsibility a little more seriously than does the minister. He reminds me of a judge I appeared before as a young lawyer. I had great respect and veneration for the courts, which I still have, although it is a little dimmed over time.

Mr. Macdonald (Rosedale): That is not the only thing that is dim.

Mr. Baldwin: That judge made a manifestly improper decision on the law. When counsel got up and objected, the judge said "When I don't like the law, I jump over the law." The minister has become a great jumper. He jumps over the law a great deal. He is certainly taking a very high jump at this time.