

National Energy Board Act (No. 3)

so Quebec needs Newfoundland's approval for the development of generating capacity on the five rivers whose head waters lie in Labrador. They have mutual interests.

The fundamental fault in the legislation is that it attempts to provide a legal solution to a political question. As a consequence of this, we are asked to choose between two alternatives, neither of which addresses the real problem or will provide practical solutions. This is not the time to bring in a bill of this nature. We need co-operative federalism now more than ever.

This party wants to see the dispute settled by negotiation between the two provinces. I have said that I think the contract should be renegotiated. If these negotiations fail then the issue should be put to a board of arbitration. Only after the total breakdown of negotiations should we even consider the exercise of federal power. In other words, the exercise of federal power, which I support in principle, should only be used as a condition precedent after the breakdown of the negotiations.

I should like to conclude by quoting a great Canadian, Sir Wilfrid Laurier. The same quotation was used by Mackenzie King, speaking in the House of Commons on the conscription crisis. I wish I had the quotation in French but I do not. I think it was made in English. It pertains to the situation today, Mr. Speaker. I would ask hon. members opposite, especially those from Quebec, to think about this. Sir Wilfrid Laurier said that if there is anything to which he had devoted his political life, it was to try to promote unity, harmony and amity between the diverse elements of this country. That is what we should be doing in this Newfoundland-Quebec dispute. We should not take any steps that would not promote unity, harmony and amity. This is where I disagree with the Minister of Energy, Mines and Resources. We should not take any steps that could even be perceived to promote disunity, disharmony and bad relations between two provinces that have much to do together.

Hon. Alvin Hamilton (Qu'Appelle-Moose Mountain): Mr. Speaker, my first remarks will be in connection with the motion for a six-month hoist moved by the hon. member for Joliette (Mr. La Salle). I support the motion wholeheartedly for several reasons, some of which have already been discussed by the hon. member for Vancouver-Kingsway (Mr. Waddell) who put them very cogently.

I should like to remind the House that the function of the federal government in a federal system is not to get mixed up in disputes between two provinces and to take one side or the other. The minister is well aware of this, as he has shown by twice repeating his argument on the Quebec-Newfoundland dispute.

One of the reasons for giving the bill a six-month hoist is that every member of the Conservative Party was behind the National Energy Board legislation. It is this party's legislation, put on the books in 1959 in an effort to head off the very problems that have arisen. The problems have arisen because the original legislation was not enforced.

The whole development concept held by this party in 1957-58-59 was that we should bring this country together by tying

up the energy sources of all parts of the country. Then we should give Canadians the first chance to have access to those resources and we should devote all our technical knowledge to assessing the resources of the country and getting the maximum benefit from them.

In general, the legislation of 1959 gave the National Energy Board two duties. First of all, it was to be a court of record on questions of adjudicating the technical details of certificates of convenience and so on. Over the last 25 years the National Energy Board has done a fairly good job in this respect, although at times it has seemed a little slow.

For the first ten years of the board's life it did not exercise its advisory function even though the act is very clear on this. In the relevant section the word "shall" is repeated six times and the duties of the board are outlined.

If my memory serves me correctly, the Department of Justice took a very active part in drafting the legislation. The Minister of Energy, Mines and Resources was then attached to the Department of Justice, so I am sure he will remember how hard the politicians fought to get clear-cut instructions for this independent board. There is a weakness in the act, however, because the word "may" was left in. The word "shall" appears six times but then the word "may" appears. Section 23 of the National Energy Board Act reads as follows:

Studies and reports of the board made under this part may be made public with the approval of the Minister.

I support the motion for a six-month hoist because when an amendment is proposed to such a strategic act in the history of resource development in Canada, it should be enforced. When I inquired in 1972 why this was not being done, I was told that the people on the energy board were not competent enough. The truth was that some civil servants in the department decided that they wanted the right to make these decisions and to advise the government about the future of energy. The hon. member for Vancouver-Kingsway made reference to this.

I do not particularly blame the board. It is tough to work under a group of civil servants or mandarins that do not insist upon the requirements of the act being carried out and, of course, there is no future in the civil service for those who do not bow their heads to this small group of mandarins. The amendment which is dealt with by Bill C-108 should address the question of the fundamental powers of the board. If those powers are allocated to the board, then we must make sure that it exercises them.

Before I come to the main thrust of my remarks, Mr. Speaker, I should like to point out that the amendment ignores international law. On page 2, at lines 17 and 18, the bill gives jurisdiction to the board for the development of oil resources at the bottom of the sea for a distance of 200 nautical miles. In God's name, who put 200 nautical miles into the National Energy Board Act? Under international law the resources at the bottom of the sea belong to the people who live beside the sea, as far out as they can physically develop them. That remains the law and it has been ratified by all nations. Sure