

National Energy Board Act

This is a situation, Mr. Speaker, that has been brought about by a government which in the past, when its members were in opposition, has been very vocal about the rights of parliament. This bill comes from the other place of this house. It was discussed in the other place. As I am sure you would expect, sir, and as the minister would expect, hon. members interested in the bill have read the debates in the other place. Members in the other place have shown great impatience and have been sharp in their criticism of the delay in bringing this bill forward. We might have had an opportunity of dealing with the bill in this house at a somewhat earlier stage if the members of the other place were not on such short time. Some of these members might be compared to our T-to-T members in this house, about whom we have heard a great deal, and these extended week ends have not been conducive to an early consideration of this bill there and a resultant earlier consideration in this house.

I believe the points that have been raised by the Leader of the Opposition have been very well put and deserve the consideration of the government. I should like at this time to associate myself and the members of the C.C.F. group with the request that the first clause of the bill be withdrawn, and that we proceed to the discussion and consideration of clause 2 as expeditiously as possible. This would allow the government to withdraw clause 3, and we would have a very simple bill before the house which would make it possible for members of parliament, while protesting, to correct the error that the Minister of Trade and Commerce himself has admitted to the house.

I want to make it quite clear, however, that we are very much in support of the national energy board having adequate power so far as tolls are concerned on gas going through interprovincial pipe lines. We are not certain, however, that this amendment is necessary to achieve that purpose. We have not had it explained to us in a fashion that convinces us that this is correct. We certainly do not condone, and we would oppose, any undertaking by the government which would mean the exercise of prerogatives we feel properly belong to provincial governments or provincial companies operating within a province, whether they be private companies or publicly owned companies.

I should like some further explanation as to whether this clause, in its present form, would put power in the hands of the national energy board to, in fact, control the business operations of a company like the Saskatchewan Power Corporation, which obtains all its

gas supplies in the province of Alberta and therefore must bring the gas through pipe lines which go across interprovincial boundaries. This gas is sold exclusively within the borders of Saskatchewan. I do not believe the minister would wish the national energy board to be setting the policy of the Saskatchewan Power Corporation as that policy affects business which is strictly a provincial concern and is not the concern of the national energy board.

Clause 3, apparently, is considered necessary by the minister because of the possibility that this legislation may not become law prior to the expiry of the licences that are involved. I think this is a very bad clause. I believe the practice of making any law retroactive is something that should be followed only in extreme circumstances. I can remember how members of the present government, when in opposition, complained so loudly about taxation by radio when a former minister of finance announced a certain policy over the radio and said he was going to have parliament brought into session in order to make this policy effective at midnight of the night he was making this announcement.

I think this is an even more repugnant proceeding in that parliament is in session. In spite of parliament being in session we are asked, as the Leader of the Opposition has stated, to take steps which would allow companies to break the law and would give them absolution by means of clause 3 coming into effect at a later date.

I think the suggestion made by the Leader of the Opposition is a good one. I hope the Minister of Trade and Commerce will accept it. Otherwise he himself must take the responsibility for the delay that will be required for a thorough and adequate discussion of clause 1 of this bill. I can see nothing that would be lost by removing clause 1 and considering that clause in a separate bill at a later stage during this session.

Mr. Chevrier: May I ask the minister if—

Mr. McIlraith: On a point of order.

Mr. Chevrier: I rise on a point of order at this stage in the debate, Mr. Speaker, to inquire of the minister whether at this time he will not give consideration to the suggestion made by the Leader of the Opposition. If he does so I think it would perhaps hasten the consideration of second reading and also shorten the discussion on the bill and allow us to get on with it more quickly. As has been stated by the opposition and also by the C.C.F. party, the suggestion appears to be reasonable on its face. I am not going to insist on that point, but I wonder whether