

Oil and Petroleum

the ultimate responsibility for action rests on the federal government. For that reason we seek passage of this bill.

Mr. Baldwin: Mr. Chairman, the minister's statement was informative and useful. I am sure that as debate proceeds we shall be given enough information to enable other people in the country who are deeply involved in this matter to be made fully aware of what is happening in this House. I am not one to write off federal-provincial conferences, but it might be better if some had never been held. However, the most recent conference will, I think, prove useful to the first ministers, the people of Canada and, I believe, to this House. Such conferences provide opportunities for heads of government who have just come through elections to be statesmanlike, and for others who may face the electorate in the near future to be political. This is to be expected, and I do not take exception to it.

Mr. Stanfield: But what about those who have just been elected but are political?

Mr. Baldwin: I come now to the gist of our complaints about this bill. We made it plain when this bill was debated last October and November that we agreed with certain parts of it. The settlement, so to speak, which allowed this bill to be put aside temporarily was made in circumstances which indicated my party's approval of certain aspects of the measure. The present bill, like so many others, contains parts which give rise to concern. We shall indicate our concern and suggest amendments we may feel constrained to move in order to give effect to our objections.

When the bill was debated previously, the hon. member for Qu'Appelle-Moose Mountain put on record several suggested amendments which we may move in the present debate. Because of what the minister just said we may alter some of our amendments, delete some and perhaps add some fresh ones. We will try to make this a better and more effective bill, on behalf of the people of Canada. Governments propose legislation from mixed motives. They keep one eye on politics, another on the economy and sometimes overlook the legality of legislation. I do not say this disparagingly. Legislating, after all, is the responsibility of this House, of this parliament; it is not the responsibility of the government.

In general, the federal government should be the custodian of the aspirations of people of all parts of Canada. To some extent it has retreated from that attitude and tended to ignore minority rights except when the minority is large enough to wield considerable political power. The government has abandoned itself to the pursuit of power, as this bill shows. Here it seeks to gather into the hands of the monolithic Ottawa bureaucracy a massive concentration of authority.

To attain its ends the government sometimes uses methods of excessive secrecy, of delegated authority, or methods which ignore the constitution. I do not think the constitution is deliberately flouted, although I think that the present measure, in part at least, ignores the constitution of this country. People who should know better accept this situation casually. They think it is all right for the government to pull off a little bit of the constitution here and chip a little bit away somewhere else. I suggest that

[Mr. Macdonald (Rosedale).]

the present measure seeks to give the government more authority than those who drafted the constitution intended it should have. I suggest it is the kind of measure which the courts have said do not fall within the four corners of the competence of the Government of Canada to enact.

I can understand the wish of the government to deal with tough, difficult and contentious problems such as the one it faces. I can understand the minister's wish to take a short-cut, to short-circuit the constitution, as it were, for purposes of expediency. Certainly, the government is in a difficult position. I suggest to members of this committee that our duty is larger than that. This is not a court of law, although in many respects this House is the highest court in the country. This House does not decide alone on the basis of legal argument. We do not expect arguments regarding the constitutional validity of government measures to be decided as if they are being raised in a court of law. We know better. What are made in this House are political decisions. Although a government may realize that a proposal lies outside the constitution, it can force the proposal through the House by virtue of its majority and allow others to challenge its validity in the courts.

That may be the government's position, but it is not a position which I support. That position should not recommend itself to members of this House who, after all, are not only members of parliament but people who represent the rights, privileges and responsibilities of the regions and provinces from which they come. They have that responsibility to carry out in this House.

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Under these circumstances it is not good enough for a government ruthlessly to bulldoze legislation through if it contains clauses which offend the constitution of this country. This is not just an academic issue. I strongly believe that federalism in this country has been brought to a higher degree of perfection than in most countries which have the federal system. This particular issue of energy, energy prices and supply and the discussions which have taken place is a good indication of that. There have been some effective and useful discussions which probably could not have taken place in any other federal system than the one we have in Canada.

I suggest that true federalism can only endure when the sovereignty of the several parts is maintained. It is clear from the debates on confederation that our parliament was designed with a view to giving the people of the provinces a realistic opportunity to give voice to their attitudes. The voice of the federal parliament must be that of the whole country, yet consistent with the opportunity to reflect and represent regional positions within the terms of the constitution. If we cannot do that, there is no true federalism.

What we have is a social contract, in the form of a constitution, between the people of the various provinces and the country as a whole, a contract which permits the provincial populations to emphasize their distinctiveness with regard to matters under their jurisdiction, their own peculiar requirements and their potential and need to proceed in the way which they think is most appropriate, socially and economically, while at the same time yielding