

*Northwest Territories Power Commission*

commission, and not as a result of particular pressure of any individual or group of individuals.

Section agreed to.

Sections 2 and 3 agreed to.

On section 4—Agent of His Majesty.

Mr. DIEFENBAKER: This is one of the sections to which I take exception, because it places the commission in a position of being agent of His Majesty. Is it true that under this section, before any individual whose rights have been interfered with may proceed against the commission, in view of the fact that the commission is an agent of His Majesty the consent of the crown will be necessary before action can be taken?

Mr. MacKINNON: I am informed that the commission can sue and be sued. I believe that answers my hon. friend's question.

Mr. DIEFENBAKER: Provision is made for that in section 3. However, that does not answer my question. Can the commission be sued without the grant of a fiat on the part of the crown? Here is another example of the state going into business. Unless provision is made whereby the state, in going into business, may be sued as can any ordinary person in business an advantage accrues to the state, one which has no place in modern development.

Petition of right was a proper procedure when the principle was accepted that the king can do no wrong. Today His Majesty, in the person of a commission such as this, goes into business and, on occasions, operates to the detriment of private individuals who are denied the right to take proceedings unless petition of right has been granted.

In Great Britain the same condition prevailed until January 1, 1948, when for the first time the crown placed itself in a position of equality with the subject, and the subject may proceed against the crown without the issue of a fiat or without an application through a petition of right. Having regard to the fact that the state today in Canada is in business on every hand—I shall not go over all the types of business in which it is engaged; it is a long record—the day is past when the crown should be allowed to stand in a position of advantage as against the subject in His Majesty's courts.

Mr. MacKINNON: I would refer the hon. member to subsection 3 of section 4. I am informed that a fiat would not be necessary.

Section agreed to.

Section 5 agreed to.

[Mr. MacKinnon.]

On section 6—Powers.

Mr. MacNICOL: Are there any other power developments in operation in the Northwest Territories outside the one now being constructed on the Snare river?

Mr. MacKINNON: I know of none except the Con mine development.

Mr. MacNICOL: That is a nice little plant northeast of Yellowknife and, if I remember correctly, it develops about 10,000 horsepower, or it may be only 5,000.

Mr. MacKINNON: Four thousand, seven hundred.

Mr. MacNICOL: As I understand it, every other potential power site in the Northwest Territories belongs to the crown?

Mr. MacKINNON: Any development by the commission will belong to the crown.

Mr. MacNICOL: From now on, every power development in the Northwest Territories outside the one operated by Consolidated Mining will be under the direction of this commission?

Mr. MacKINNON: While the hon. member was out of the house for a few moments I answered other questions, and I think my replies on *Hansard* will fully answer the hon. member.

Section agreed to.

Section 7 agreed to.

On section 8—Release of former owner.

Mr. JACKMAN: Does this mean that the crown can take over a property by agreement, by expropriation or otherwise? Is there any tribunal which will reconcile an honest difference as to value?

Mr. MacKINNON: I think section 7 fully explains it.

Mr. CASE: This relieves the owner of a property that is expropriated from any obligation to deliver power; but, as far as I read it, it does not carry any obligation on the part of the commission to deliver power in the place of the party whose property has been expropriated.

Mr. MacKINNON: I do not think there will be any question about the commission serving the mining interests.

Mr. MacNICOL: This section reads:

Where any power plant is acquired by the commission with or without the consent of the owner, the commission may by order release the owner from all his obligations relating to the generation, purchase or supply of power from the plant so acquired and the order is binding on all persons.